

ARMY



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THE SINKING OF THE ONEIDA.

THE official evidence in the case of the *Oneida* convicts the captain of the *Bombay* of an inhumanity which, save for his own testimony, we should have rejected as entirely incredible. Taking the most favorable version of the story—his own—it is clear that, though the collision was an accident for which the *Bombay* was not responsible, her captain seems to have regarded this fact as sufficient to justify him in going on his way, leaving the victims to perish. "My instructions are," he said, "to stop for nothing but to save life, and I did not think life was at risk in this case." And again he says: "I had not the slightest idea of the consequences, except that I might merely have cut his quarter gallery off."

The explanation is clear. Of course it is not conceivable that Captain EYRE, being in his right mind, deliberately cut down the *Oneida*, or, knowing that she would sink, allowed her to perish. His crime was an inhuman recklessness as to what he had done; and the crime would have been as great had every soul on the ill-starred *Oneida* been saved. He knew his ship was an iron one, and that her sharp bow had crashed with terrific force into the stranger—precisely what would happen in battle, should an iron ship attack a wooden one with intent to sink her. Thereupon, with perfect self-satisfaction, he keeps on his course, and leaves his victims to sink or swim, according as they may have been partially or fatally struck.

The reported testimony of Lieutenant CLEMENS of H. B. M. S. *Ocean* that Captain EYRE told him he had "cut the whole quarter off a d—d Yankee frigate," is clearly unauthentic, though what follows may not be, namely, "and I served her bloody well right, for I met her as I came up running out with her helm a-starboard." Captain EYRE seems to have been regardless of what injury he had done to the *Oneida*, merely because the collision was no fault of his own. One would not so treat an enemy in time of war.

With this general view of the case, the disputed details may be left for the formal investigation to settle. It will require such an investigation to reconcile Captain EYRE's sworn testimony, "I remained altogether from the time of stopping to going ahead again ten minutes," and "I was a good fifteen minutes looking after the ship after the accident," with the testimony of the *Oneida's* officers that the *Oneida* fired three guns within ten minutes, and went down within fifteen. "Our steam-whistle was blowing fiercely," is the testimony from the *Oneida*, "but Captain EYRE says he did not hear it, probably on account of the wind." During the "fifteen minutes" of search he claims to have instituted, not a boat was lowered by him, though the *Oneida's* testimony says, "The *Bombay* did not stop or

send us boats; had she done so, nearly every man aboard would have been saved."

The conduct of the officers and crew of the *Oneida* justifies what we had to say of it last week. "The most perfect discipline pervaded the crew," says Mr. CROWNSHIELD, "and no cry was heard or alarm was manifested." Master YATES tells us that, as the ship was fast sinking, Captain WILLIAMS, who was on the bridge, was asked to get aboard the cutter. "No," he said, "I shall stay in my ship if she goes down." It is the story of Casablanca told again, when Ensign COPP, who was in charge of the berth deck, returned to his post, after the sick had been carried to the deck. A comrade hailed him to come on deck. "I cannot till relieved," he called. Nor is there a finer picture of the discipline that prevailed than in Master YATES's simple story of the last report of Lieutenant-Commander MULDAUR to his commander. "Lieutenant-Commander MULDAUR walked up, and, touching his hat, said, 'Sir, the ship is going down.' At this moment the ship settled, the smoke-stack came over and forced the cutter from the ship's side, and she went down stern first."

STATEMENT OF MR. CROWNSHIELD.

We left Yokohama at about 4:30 o'clock P. M. on Monday, January 24, bound for Hong Kong en route for New York. At 6 o'clock we were well into the channel, and, with a fair wind and tide, concluded to slacken steam, which we accordingly did, and then all hands, except those in charge of the deck, went below for supper. I had lain down on the starboard transom below decks with my clothing and a heavy overcoat on, and fell asleep. I was awakened—I do not know how soon—by a sudden shock, and upon recovering consciousness, was aware that I had been stunned, as I was covered with the debris of the wreck—wood, broken spars, sails, etc. As I crawled out from the mass of matter, I could see the sea astern and the stars shining, and then it flashed upon my mind that our ship had come into collision with some other vessel. I found myself badly bruised, but crawled out in the stern and up the splintered sides to the spar-deck; I then went forward, and, meeting several officers, asked what was the matter; I was informed that a steamer (I afterward learned that it was the English mail steamer *Bombay*) had run into our starboard-quarter and cut us down. Our steam-whistle was blowing fiercely and the guns were being loaded to fire as alarm notes, for it was certain that the ship was in a sinking condition; it had so been expected by Lieutenant-Commander W. Muldaur. The most perfect discipline pervaded the crew, and no cry was heard or alarm was manifested. Taking a hurried view, I saw that we could stay afloat but a short time, and I then climbed into the main rigging, when the guns were fired. This was about ten minutes after the collision. The officer of the deck then announced that the ship was going down fast, and ordered the crew to take to the rigging. Looking down, I saw the water pouring down the hatches abaft the main mast. I then took off my coats, and in a few seconds the ship gave a lurch and went down stern first. I was taken under, I should think, about 15 or 20 feet, and, on coming up, found myself near a boat, for which I struck out, and when nearly exhausted was drawn on board by Master Yates. I saw many heads dotting the water, but the sea soon swept us away, and they were lost to view. The *Bombay* did not stop or send us boats; had she done so, nearly every man aboard would have been saved. She was struck just abaft the mizzen-mast, at an angle of about 30 degrees, and cut to the water's edge. There were 39 lives saved by the cutter which took us ashore, where we found shelter and fire at a Japanese tea-house. The next morning I was taken on the *Bombay*, and from thence transferred to the *Yangtze*, in which I arrived at Yokohama.

THE STATEMENT OF MASTER YATES.

The statement of this officer is, that when about two miles off Saratoga Spit, I saw the lights of the *Bombay*; she came right on and struck the *Oneida* on the starboard gangway, cutting a hole in us to the water's edge, and through which the whole interior of the gun-room was visible. She carried away our gig, binnacle-wheel, and rudder, instantly killing two men at the wheel. All the officers who were not on deck rushed or were

brought up (some being sick), and sail was instantly shortened. It was evident to us all that the ship was a total wreck, and that she would go down in a few minutes. As the *Bombay* hauled away from the collision, Lieutenant-Commander Stewart shouted, "Ship ahoy! Ship ahoy! Lay to; you have cut us to the water!" This was repeated three times, but, as she paid no heed, our whistle was blown and three guns were fired. The order was given to "lower away the boats," but the life-boat was only available, as the cutter was shipped in a "cradle" on board; the life-boat was manned and pushed away. (Doctor Suddards and fifteen men were saved in her.) As the ship sank, the cutter was got afloat, and myself and thirty-eight others were saved in her. As the ship was fast sinking, Captain E. P. Williams, who was on the bridge, was asked to get on board, but he refused to do so, saying, "No; I shall stay in my ship if she goes down." Lieutenant-Commander Muldaur walked up, and, touching his hat, said, "Sir, the ship is going down." "I know it," said the captain, "but what can I do? I have repeatedly asked for boats, but could not get them." At this moment, the ship settled, the smoke-stack came over and forced the cutter from the ship's side, and she went down stern first. I hauled Captain's Clerk William F. Crownsfield on board, and made a great effort to save Lieutenant-Commander Stewart, but he sank just before I reached him, saying as he went down, "For God's sake save me!" He was quite ill at the time.

Active measures have been taken by Minister De Long, Consul Shepard, Captain Mullan, and other officials to recover the bodies of the drowned and give them proper burial, and to secure such effects of the wreck as may be found.

LETTER FROM SURGEON SUDDARDS.

The following are interesting extracts from a private letter from Surgeon James Suddards, of the *Oneida*, to his father, Rev. William Suddards, D. D., of Philadelphia, dated Yokohama, January 31:

"We left Yokohama at 5 P. M. on the 24th, and at 6:45 were run into by the *Bombay* on the starboard quarter, the whole of which was carried away. She struck us full with her sharp iron stem, and cut everything off as with a chisel. The wheel, steering gear, spanker boom and gaff, and poop cabin were all carried away, and in fifteen minutes she sank in fourteen fathoms of water; and out of a personnel of twenty-five officers and one hundred and fifty men, nine officers and fifty-four men are left to tell the tale.

"The ward-room dinner was just finishing at the moment of the collision. It seemed to me as if the whole side of the ship was coming bodily in on the dinner table. We all rushed on deck immediately; everything was in the greatest confusion. As I stepped over the hatch-combing I saw a large steamer just leaving us. She was hailed by our executive officer, and requested to stay by us, but, as far as I could judge, they steamed away as fast as they could go. I walked aft on the quarter-deck and saw that everything was smashed to pieces. I then looked over the quarter and saw the extent of the damage. I believed then that the ship would go down in two minutes, and rapidly concluded that every one must look out for himself.

"As I realized the position I noticed that the ward-room boat, which hung at the port quarter, was manned by twelve or fourteen men. I jumped on the rail and asked if an officer was in the boat. The men said 'No,' and seeing who I was, they said: 'Jump in, Doctor,' and seizing hold of me, two or three of them dragged me into the boat. I at once took charge, ordering a man at each fall to lower when ordered, having first cut all the fastenings with knives. We stayed thus until within three or four minutes of the ship's going down. During this time the boatswain and two or three men got into the boat, making the whole number seventeen. We were still hanging at the davits when the ship began to roll in that peculiar way which precedes foundering and the boat was dashed against the side of the ship, threatening to dash her in pieces. I looked on the deck and saw no one abaft the mainmast, and gave the order to lower away and hang by the falls. The fall got jammed and had to be cut away with a knife. Had we been three minutes longer at the davits it would have been too late, as she went down like a shot after starting, and the suction would have carried our boat down with the wreck.

"I may mention here that when the boat was brought up to the *Idaho* she nearly sank alongside, and on examination it was found that seven pieces were broken on her starboard side, and one of the planks was knocked an inch out of place.

"This must have been done by striking the side of the ship, and convinces me that we could not have saved

any more in our boat, as she would have filled and gone down with a heavier load. As the coxswain cut the fall a junk was seen close by under sail. We started for her, intending to bring her alongside, if possible, and save life. Being under sail, however, and going free, she rapidly left us, and in about two or three minutes we gave it up, and on turning to go back to the ship, found that she had disappeared. We pulled to where we thought she had been, but seeing and hearing nothing, finally headed for the shore and landed at about 8:30. I at once went up to a Japanese house, engaged three guides, and started off for Yokohama, twenty-five to thirty miles distant. We crossed five mountains on the way, and had the most fatiguing tramp you can imagine. We arrived all safe at four o'clock in the morning of the 25th, when I spread the news and sent down assistance to the wreck. The vessel was found yesterday, but no bodies as yet.

"The English Consular Court is investigating the matter. All the officers of the *Bombay* have been examined. Our turn will come to-morrow. Mr. De Long, the American Minister, is conducting the proceedings on our behalf. You will know the result by the next Pacific mail, due in San Francisco March 17. I landed on shore in undress uniform, without a cap, and only saved my watch by having it on. I have been very much shattered by the occurrence and subsequent fatigue, but am now much better and begin to feel like myself. All Yokohama has been extremely kind to the survivors.

"The feeling against the captain of the *Bombay* for not stopping is intense, and if the court attempts to whitewash him, violence may be attempted. No vessel that has ever been in Eastern waters was so popular as the *Oncida*. Even English officers say they would rather the misfortune had happened to one of their own vessels. Of twelve officers eating dinner at the time of the collision, I am the only one left."

DESPATCH TO THE ASSOCIATED PRESS.

WASHINGTON, March 9.—The following are the first official despatches received by the Navy Department of the *Oncida* disaster. They give a complete official list of the lost and saved:

UNITED STATES SHIP IDAHO, }
YOKOHAMA, JAPAN, January 30, 1870. }

SIR: It is my painful duty to report to you the sinking of the United States steamer *Oncida* by the Peninsular and Oriental mail steamer *Bombay*, in Yokohama Bay, on the night of the 21st instant.

The *Oncida* left the harbor of Yokohama, bound to Hong Kong, about five P. M. of that day, and when near Saratoga Spit was struck by this steamer, then arriving from Hong Kong. The *Oncida* was struck just forward of her starboard mizzen rigging, carrying away the whole of the starboard quarter wheel and all the steering gear, and sank, so far as I have been able to learn, in about fifteen minutes after the collision. Four of the officers and fifty-seven of the men were saved in two boats. I respectfully enclose a list of the saved and lost, so far as can be ascertained from the officers and men. I have already communicated the sad intelligence to the Rear-Admiral, now at Hong Kong. I avail myself of the opportunity of sending this by the American sailing bark *Benefactress*, which sails to-morrow for San Francisco.

The Pacific mail is now over due from San Francisco, and no steamer will sail for that port until about the 22d instant. Your obedient servant,

H. E. MULLAN,
Lieutenant-Commander, commanding.

A letter from A. L. C. Postman, Secretary United States Legation at Japan, received in this city, relating to the disaster, says:

"The matter is now being investigated, and the result will probably not be arrived at for some eight days at least. Lady Parker, wife of the British Minister to Japan, was a passenger on board the *Bombay*, and is one of the witnesses. Some hard swearing, I hear, is going on, and there is a good deal of feeling on the subject, now fortunately repressed for the moment, but liable to lead to unpleasantness. The *Arctostook* was chartered to recover the remains, if possible, of the poor fellows who went down, and she is now in Susquehanna Bay, and her boats are in active service along the coast. Thus far only a skylight has been picked up.

"Minister De Long and Sir Harry Parker are in attendance at the English Consular Court where the trial is held."

M. O. L. L. U. S.

At a stated meeting of the Commandery of the State of Massachusetts, held at the Parker House, March 2, the following named candidates were duly elected companions of the first class of the Order: Lieutenant Colonel John H. Burnham, late Sixteenth Connecticut Volunteers, Infantry; Major William H. Mallory, late First Squadron Connecticut Cavalry; Brevet Major Bela P. Learned, late captain First Connecticut Heavy Artillery; Captain Valentine B. Chamberlin, late Seventh Connecticut Volunteers; Captain Wilmon W. Blackmar, late First West Virginia Cavalry, Boston; Captain Lewis A. Tiff, late Eighth Massachusetts Volunteers.

At a stated meeting of the Commandery of the State of New York, held at Delmonico's, corner of Fifth avenue and Fourteenth street, March 2, the following candidates for membership of the first class were balloted for and elected: Chaplain Daniel Ostrander Ferris, late One hundred and thirty-third New York Volunteers; Colonel Clinton G. Colgate, late Fifteenth New York Engineers, Army of the Potomac; Brevet Major-General James H. Carleton, lieutenant-colonel Fourth U. S. Cavalry; Brevet Lieutenant-Colonel Henry A. Ellis, captain Fifteenth U. S. Infantry; Brevet Brigadier-General Joseph C. Abbott, late colonel Seventh New Hampshire Volunteers (United States Senator).

THE case of Commodore Meade v. the United States under the treaty of 1819 with Spain, is now before the U. S. Supreme Court.

THE ARMY.

In accordance with General Orders, Headquarters of the Army, Adjutant-General's Office, Washington, Brevet Major-General Cooke, the commanding general of the Department of the Cumberland, has assumed command of all the troops in the State of Mississippi annexed to his department.

In compliance with instructions received from the War Department, the sale of the San Antonio and Mexican Gulf railroad, advertised to take place on the 10th March, has been prohibited, and the said railroad, and all property belonging to it, will be seized and held subject to further orders from the War Department. Brevet Major George E. Alden, captain and assistant quartermaster U. S. Army, is charged with the execution of this order.

In compliance with authority received from the headquarters of the Army, the following movements of troops in the State of Texas are ordered, mainly for the protection of cattle-traders driving on the route from Texas to California: One company of the Sixth U. S. Cavalry will leave Fort Richardson, Texas, on each of the following dates, viz.: First day of June, 1870; fifteenth day of June, 1870; first day of July, 1870; fifteenth day of July, 1870, which will include the driving season for 1870. The escorts will cross the Red river in the vicinity of the mouth of the Little Wichita. The commanding officers of the companies will receive detailed instructions from Brevet Brigadier-General James Oakes, colonel Sixth U. S. Cavalry.

ABSTRACT OF SPECIAL ORDERS

Issued from the Adjutant-General's Office for the week ending March 7, 1870.

Tuesday, March 1.

THE telegraphic order of the 28th ultimo, from this office, modifying paragraph 7, Special Orders No. 40, February 17, 1870, from this office, directing Brevet Lieutenant-Colonel M. I. Ludington, quartermaster, to be temporarily relieved from duty in the Department of the Missouri by Captain G. W. Bradley, assistant quartermaster, April 1, 1870, instead of March 1, 1870, is hereby confirmed.

Sergeant Joseph T. Bukey, Company K, Twenty-third U. S. Infantry, having been appointed Hospital Steward U. S. Army, by the Secretary of War, will report by letter to the commanding general Department of the Columbia for assignment to duty.

Captain A. E. Bates, Second U. S. Cavalry, will repair to Louisville, Kentucky, and report to Brevet Major-General R. O. Tyler, chief quartermaster Military Division of the South, at such time as that officer shall designate, for the purpose of inspecting certain horses to be purchased for the cavalry detachment at West Point, New York. Upon the completion of the duty assigned him, Captain Bates will return to his proper station.

Leave of absence until May 1, 1870, is hereby granted Captain John E. Blaine, military storekeeper, Quartermaster's Department.

A general court-martial is hereby appointed to meet at West Point, New York, on Friday, March 4, 1870, or as soon thereafter as practicable, for the trial of such prisoners as may be brought before it. Detail for the court: Brevet Major James McMillan, captain Eleventh U. S. Infantry; Captain A. E. Bates, Second U. S. Cavalry; Second Lieutenant Charles King, Jr., First U. S. Artillery; Second Lieutenant F. A. Mahan, Corps of Engineers; Second Lieutenant Robert Fletcher, First U. S. Artillery; Second Lieutenant David S. Denison, Fifth U. S. Artillery; Brevet Second Lieutenant Edgar W. Bass, Corps of Engineers; Brevet Lieutenant-Colonel C. C. Parsons, captain Fourth U. S. Artillery, judge-advocate of the Court.

Leave of absence until September 1, 1870, is hereby granted Brevet Lieutenant-Colonel George K. Leet, major and assistant adjutant-general.

On the recommendation of the regimental commander, the following transfers in the Sixteenth U. S. Infantry are hereby announced: First Lieutenant H. C. Ward (brevet captain) from Company D to Company K; First Lieutenant C. H. Noble from Company K to Company D; Second Lieutenant S. R. Whitall from Company C to Company D; Second Lieutenant G. B. Pickett from Company D to Company C. The officers thus transferred will join their proper companies without delay.

Superintendent Edward Robason, national cemetery at Yorktown, Va., is hereby granted leave of absence for ten days, to take effect from such date as the chief quartermaster Department of Virginia may indicate.

On the recommendation of the regimental commander, the following transfers in the Fourth U. S. Artillery are hereby announced: First Lieutenant H. C. Danwoody from Battery B to Company E; First Lieutenant Crosby P. Miller from Company E to Battery B. Lieutenant Miller will join his proper station without delay.

Wednesday, March 2.

Upon the recommendation of the Chief of Engineers, the following officers of the Corps of Engineers are hereby relieved from their present duties, and will report to the commanding general Military Division of the Pacific for duty: First Lieutenant D. W. Lockwood, First Lieutenant Clinton B. Sears.

By direction of the Secretary of War, the unexecuted portion of the sentence of a general court-martial, promulgated in General Court-martial Orders No. 95, of May

12, 1868, from headquarters Department of the Missouri, directing that private John Vanvalkenburg, Company B, Fifth U. S. Infantry, "forfeit all pay and allowances due or to become due him, except the just dues of the laundress; to be dishonorably discharged; to have his head shaved; be drummed out of the service, and confined at hard labor for the period of (4) four years at the penitentiary at Jefferson City, Mo.," is hereby remitted, and he will be released from confinement upon the receipt of this order at the place where he may be confined.

Thursday, March 3.

The extension of leave of absence granted Brevet Captain B. F. Grafton, second lieutenant Eleventh U. S. Infantry, in Special Orders No. 12, January 15, 1870, from this office, is hereby further extended thirty days. Brevet Lieutenant-Colonel R. E. Johnston, captain First U. S. Infantry, will report in person without delay for temporary duty to Brevet Colonel B. P. Runkle, major, unattached, superintendent of education, Bureau of Refugees, Freedmen, and Abandoned Lands, for the State of Kentucky, at Louisville, Kentucky. This duty will not detain Brevet Lieutenant-Colonel Johnston more than thirty days, and he will rejoin his proper station on its completion.

Special Orders No. 46, paragraph 1, current series, from this office, directing that Hospital Steward Charles Henry report in person without delay to the commanding general Department of the Platte, is hereby amended to read: Hospital Steward Charles Hendy.

Ordinance Sergeant John Downey, U. S. Army, now on duty at Fort Morgan, Alabama, will be discharged the service of the United States upon the receipt of this order at the place where he may be serving.

Hospital Steward Harry Martin, U. S. Army, now on duty at Ship Island, Miss., will report in person without delay to the commanding general Fifth Military District for assignment to duty.

The leave of absence granted Second Lieutenant D. Lynch, Jr., Fourth U. S. Cavalry, in Special Orders No. 17, January 23, 1870, from headquarters Fifth Military District, is hereby extended ninety days.

The extension of leave of absence granted First Lieutenant Edward Law, Seventh U. S. Cavalry, in Special Orders No. 9, January 29, 1870, from headquarters Military Division of the Missouri, is hereby further extended twenty days.

Leave of absence for six months is hereby granted Second Lieutenant Charles G. Eckhart, Fourth U. S. Artillery.

Friday, March 4.

The resignations of the following-named officers have been accepted by the President, to take effect from the dates set opposite their respective names, on condition that they receive no final payments until they shall have satisfied the Pay Department that they are not indebted to the United States: Captain R. B. Hull, brevet lieutenant-colonel Eighteenth U. S. Infantry, August 28, 1870, who is hereby relieved from assignment to that regiment; Second Lieutenant John P. Peterson, Twenty-third U. S. Infantry, February 19, 1870; Second Lieutenant John W. Hines, Tenth U. S. Infantry, March 1, 1870.

By direction of the President, Captain Edward W. Smith, brevet lieutenant-colonel, unassigned, is hereby transferred to the Eighteenth U. S. Infantry, and will, upon being relieved of his present duties, join his company, G.

By direction of the President, Second Lieutenant Jesse C. Chance, unassigned, is hereby transferred to the Thirteenth U. S. Infantry, and will, at his own expense, report to the commanding officer of his regiment for assignment to duty.

So much of Special Orders No. 103, April 30, 1869, from this office, as, at his own request, directed Brevet Captain J. C. White, first lieutenant Tenth U. S. Infantry, to proceed to his home and await orders, is hereby amended so as to omit the words "at his own request," and he will await orders by reason of sickness in service.

Saturday, March 5.

Private Charles E. King, Company C, Forty-third U. S. Infantry, who escaped from confinement August 9, 1869, while undergoing sentence of a general court-martial, promulgated in General Orders No. 47, of November 6, 1868, from Headquarters Department of the Lakes, directing that he "forfeit to the United States all pay and allowances that are or may become due him; to be dishonorably discharged the service, and to be confined at hard labor at Fort Delaware, Delaware, for the period of two years," having surrendered himself to the military authorities at Savannah, Georgia, where he is now in confinement, will be sent, under proper guard, to Fort Delaware, Delaware, to serve out the unexecuted portion of his sentence.

By direction of the Secretary of War, Captain V. Van Antwerp, military storekeeper, Quartermaster's Department, is hereby relieved from duty at San Antonio, Texas.

By direction of the Secretary of War, leave of absence for thirty days is hereby granted Captain V. Van Antwerp, military storekeeper, Quartermaster's Department, at the expiration of which he will report for duty by letter to the Quartermaster-General of the Army.

Leave of absence until August 28, 1870, is hereby granted Brevet Lieutenant-Colonel R. B. Hull, captain, unattached.

By direction of the President, Second Lieutenant Stephen R. Stafford, unassigned, is hereby transferred to the Fifteenth U. S. Infantry, and will, without delay, and at his own expense, report to the commanding officer of his regiment for assignment to duty.

Private H. V. Monrath, Company D, Twenty-second U. S. Infantry, having been appointed hospital steward U. S. Army, by the Secretary of War, will report by letter to the commanding general Department of Dakota for assignment to duty.

Private Frederick R. O. A. Moody, Company K,

Twelfth U. S. Infantry, having been appointed hospital steward, U. S. Army, by the Secretary of War, will report by letter to the commanding general Department of California, for assignment to duty.

Private James Stanley, Company G, Twentieth U. S. Infantry, having been appointed hospital steward, U. S. Army, by the Secretary of War, will report by letter to the commanding general Department of Dakota, for assignment to duty.

Private Leopold De Rudder, Company C, Twenty-third U. S. Infantry, having been appointed hospital steward, U. S. Army, by the Secretary of War, will report by letter to the commanding general Department of the Columbia, for assignment to duty.

The superintendent General Recruiting Service, New York city, will forward, under proper charge, all disposable colored recruits at the depots to New Orleans, La., when they will be reported, upon arrival, to the commanding general Department of Louisiana, for assignment to the Twenty-fifth U. S. Infantry.

The leave of absence granted Captain J. H. Kane, Fifth U. S. Cavalry, in Special Orders No. 26, February 7, 1870, from headquarters Department of the Platte, is hereby extended ninety days. Permission to go beyond sea is granted by the Secretary of War.

Monday, March 7.

The leave of absence granted Brevet Major J. H. Butler, captain unattached, in Special Orders No. 7, February 23, 1870, from headquarters General Recruiting Service, Central Superintendency, Cincinnati, Ohio, is hereby extended three days.

By direction of the Secretary of War, commutation of fuel and quarters at the rates allowed officers on duty at San Francisco, Cal., will be paid Second Lieutenant C. M. Rockefeller, Ninth U. S. Infantry, from the 1st day of February to the 21st day of May, 1869, inclusive, during which time he was compelled to remain in a private hospital in that city, at his own expense, on account of injuries received while travelling on duty.

The extension of leave of absence granted Brevet Brigadier-General O. L. Shepherd, colonel Fifteenth U. S. Infantry, in Special Orders No. 12, January 15, 1870, from this office, is hereby further extended two months.

The leave of absence granted Assistant Surgeon S. A. Storow, brevet major, in Special Orders No. 36, February 18, 1870, from headquarters Department of the South, is hereby extended sixty days.

By direction of the Secretary of War, upon the recommendation of the Quartermaster-General, Brevet Lieutenant-Colonel H. W. Jones, assistant quartermaster, will remain in this city until further orders and attend to the settlement of his accounts.

First Lieutenant W. H. W. Krebs, Seventeenth U. S. Infantry, will repair at once to San Antonio, Texas, and report to Brevet Brigadier-General L. P. Graham, colonel Fourth U. S. Infantry, president of a General Court-martial, as a witness in the case of Major Isaac S. Stewart, paymaster. As soon as his services can be dispensed with, he will rejoin his proper station.

COURTS-MARTIAL.

A GENERAL Court-martial is appointed to meet at Fort Arbuckle, Indian Territory, on the 21st of March. Detail: Major John E. Yard, Tenth U. S. Cavalry; Captain Orville Burke, Tenth U. S. Cavalry; Brevet Captain Thomas J. Spencer, first lieutenant Tenth U. S. Cavalry; Second Lieutenant C. E. Nordstrom, Tenth U. S. Cavalry; Second Lieutenant William R. Harmon, Tenth U. S. Cavalry. Brevet Major John W. Brewer, assistant surgeon U. S. Army, judge-advocate.

BEFORE A General Court-martial, which convened at Richmond, Va., Jan. 20, and of which Brevet Brigadier-General Thomas L. Crittenden, colonel Seventeenth U. S. Infantry, is president, was arraigned and tried: First Lieutenant Ogden B. Read, Eleventh U. S. Infantry, on the charge of "conduct unbecoming an officer and a gentleman." He was found not guilty of both charge and specification and acquitted, Brevet Major-General Canby approving.

A GENERAL Court-martial was appointed to meet at Fort Scott, Kansas, on the 10th of March. Detail: Major James P. Roy, Sixth U. S. Infantry; Captain H. S. Hawkins, Sixth U. S. Infantry; First Lieutenant Stephen Baker, Sixth U. S. Infantry; Brevet Captain William Badger, first lieutenant Sixth U. S. Infantry; Brevet Captain Algernon E. Smith, first lieutenant Seventh U. S. Cavalry; First Lieutenant John Carland, Sixth U. S. Infantry; Second Lieutenant S. W. Groesbeck, Sixth U. S. Infantry. Second Lieutenant Nelson Bronson, Sixth U. S. Infantry, judge-advocate.

A MILITARY commission was ordered to convene at Montgomery, Montgomery county, Texas, March 1, for the trial of citizen Abner Womack. Detail for the commission: Brevet Lieutenant-Colonel James Biddle, captain Eleventh U. S. Infantry; Brevet Major Charles A. Wikoff, captain Eleventh U. S. Infantry; Brevet Major Theodore Schwan, captain Eleventh U. S. Infantry; First Lieutenant E. C. Gilbreath, Eleventh U. S. Infantry; First Lieutenant John B. Guthrie, Eleventh U. S. Infantry. Captain Thomas H. French, U. S. Army, judge-advocate.

A GENERAL Court-martial was appointed to meet at Fort Hays, Kansas, March 7. Detail for the Court: Brevet Colonel Marcus A. Reno, major Seventh U. S. Cavalry; Captain Samuel Ovenshine, Fifth U. S. Infantry; Brevet Colonel Frederick W. Benteen, captain Seventh U. S. Cavalry; Captain Ezra P. Ewers, Fifth U. S. Infantry; First Lieutenant Frank D. Baldwin, Fifth U. S. Infantry; Brevet First Lieutenant Theodore F. Forbes, second lieutenant Fifth U. S. Infantry; Second Lieutenant David Q. Rousseau, Fifth U. S. Infantry. First Lieutenant George W. Baird, Fifth U. S. Infantry, judge-advocate.

A GENERAL Court-martial was appointed to meet at Fort Riley, Kansas, on the 9th day of March, with the following detail: Captain Henry C. Hasbrouck, Fourth U. S. Artillery; Captain Joseph G. Ramsay, Second U. S. Artillery; Brevet Captain Arthur Morris, first lieutenant

Fourth U. S. Artillery; First Lieutenant Rezin G. Howell, Second U. S. Artillery; Brevet Major William Arthur, first lieutenant Third U. S. Artillery; Second Lieutenant Edward M. Merriman, First U. S. Artillery; Second Lieutenant Christopher C. Wolcott, Third U. S. Artillery. Brevet Captain E. Van A. Andrus, first lieutenant First U. S. Artillery, judge-advocate.

A GENERAL Court-martial is appointed to meet at Fort Dodge, Kansas, March 14. Detail for the Court: Brevet Brigadier-General John R. Brooke, lieutenant-colonel Third U. S. Infantry; Assistant Surgeon William S. Tremaine, U. S. Army; Captain Philip L. Lee, Tenth U. S. Cavalry; First Lieutenant George W. H. Stouch, Third U. S. Infantry; First Lieutenant William Krause, Third U. S. Infantry; First Lieutenant William B. Kennedy, Tenth U. S. Cavalry; Second Lieutenant Louis Schonborn, Third U. S. Infantry. Second Lieutenant Philip Reade, Third U. S. Infantry, judge-advocate.

A GENERAL Court-martial is appointed to meet at Fort Sully, D. T., March 12, 1870. Detail for the Court: Brevet Major-General D. S. Stanley, colonel Twenty-second Infantry; Surgeon Joseph P. Wright, brevet lieutenant-colonel U. S. Army; Brevet Major Francis Clark, captain Twenty-second Infantry; Captain Javan B. Irvine, Twenty-second Infantry; First Lieutenant A. H. Goodloe, Twenty-second Infantry; First Lieutenant William E. Hofman, U. S. Army, unattached; First Lieutenant H. H. Ketchum, Twenty-second Infantry; First Lieutenant L. E. Campbell, Twenty-second Infantry; First Lieutenant George Mitchell, U. S. Army, unattached; Second Lieutenant Oak M. Smith, Twenty-second Infantry; Second Lieutenant Oscar D. Ladley, Twenty-second Infantry. Second Lieutenant G. S. L. Ward, Twenty-second Infantry, judge-advocate.

ARMY PERSONAL.

LEAVE of absence for fifteen days was, March 4, granted Major Blencowe E. Fryer, surgeon U. S. Army.

ASSISTANT Surgeon Clarence Ewen, U. S. Army, was relieved, February 26, from duty at Fort Ellis, M. T. He will proceed to Camp Baker, M. T., and report to the commanding officer of that post for duty.

BREVET Major W. A. Elderkin, captain and commissary of subsistence U. S. Army, has been ordered to proceed without delay from Leavenworth City, Kansas, to St. Louis, Mo., and return, on business connected with his department.

ACTING Assistant Surgeon Edward H. Bowman, U. S. Army, was ordered, February 19, to proceed without delay from Austin, Texas, to Fort Bliss, Texas, and relieve Acting Assistant Surgeon Alward White, U. S. Army, whose contract is annulled.

BREVET Colonel G. W. Schofield, acting assistant inspector-general Department of the Missouri, was, March 2, ordered to proceed without delay to Forts Hays and Wallace, Kansas, and to Fort Lyon, C. T., and return, on business connected with his department.

To enable him to comply with the assignment made in General Orders No. 16, current series, from the Headquarters of the Army, Brevet Brigadier-General Morris S. Miller, lieutenant-colonel and deputy quartermaster-general U. S. Army, is relieved from duty as chief quartermaster Fifth Military District.

LIEUTENANT Thomas M. Wenie, Nineteenth Infantry, has been ordered to proceed from Little Rock, Ark., to Philadelphia, Pa., in charge of the remains of the late Lieutenant-Colonel Thomas C. Williams, captain Nineteenth Infantry. Upon completion of which duty, Lieutenant Wenie will rejoin his proper station.

TRANSCRIPT of Officers' Register at headquarters Fifth Military District, State of Texas: First Lieutenant Fred. M. Lynch, U. S. Army; Captain A. R. Chaffee, Sixth Cavalry; Second Lieutenant James A. Iliff, twenty-fourth Infantry; Second Lieutenant J. W. Sunderland, Eleventh Infantry; Brevet Brigadier-General George P. Buell, U. S. Army.

BREVET First Lieutenant Edward Davis, second lieutenant Third U. S. Artillery, aide-de-camp and acting assistant adjutant-general, has relieved Brevet Lieutenant-Colonel J. P. Martin in his duties of assistant adjutant-general of the Department of the Cumberland, the latter officer reporting himself to the Adjutant-General U. S. Army.

SECOND Lieutenant R. M. Washington, Ninth U. S. Cavalry, en route to join his regiment, was, February 23, ordered to receive from the commanding officer post of Austin, Texas, sixteen recruits assigned to Company G, Fourth U. S. Cavalry, and conduct them to San Antonio, Texas, turning them over to the commanding officer of that post, upon arrival.

ACTING Assistant Surgeon D. Hershey, U. S. Army, has been ordered from New Orleans to Forts Jackson and St. Philip, La., to report to the commanding officer, to relieve Acting Assistant Surgeon E. Alexander, U. S. Army, from duty as post surgeon, who will repair to New Orleans, and report in person to the medical director of the Department of Louisiana.

SECOND Lieutenant James A. Iliff, U. S. Army, has been ordered to report to Brevet Major Charles C. Cresson, first lieutenant U. S. Army, to assist him in conducting prisoners from the Fifth Military District to New Orleans, Louisiana. Upon the completion of this duty, Lieutenant Iliff will comply with orders from the War Department to proceed to his home and await orders.

FIRST Lieutenant F. M. Lynde, U. S. Army, having reported in person at headquarters Fifth Military District, agreeably to paragraph 1, Special Orders No. 27, headquarters post of Austin, Texas, February 16, 1870, is ordered to repair immediately to Baltimore, Maryland, in compliance with Special Orders No. 5, headquarters Cavalry Recruiting Service, Carlisle Barracks, Pennsylvania, January 20, 1870.

BREVET Major A. G. Robinson, captain, assistant quartermaster U. S. A., was ordered, March 2, to proceed to Fort Totten, D. T., and report to the commanding officer for duty as post quartermaster, and as a member of the board of officers instituted by Special Field Orders No. 39, relieving First Lieutenant Platte M. Thorne, Twenty-second Infantry, who is ordered to join his company at Fort Sully, D. T.

TRANSCRIPT from Officers' Register at headquarters Department of Louisiana for the week ending February 26, 1870: Joseph Kerin, captain Sixth Cavalry; Charles A. Whittier, captain U. S. Army; George M. Harris, second lieutenant Fourth Artillery; James T. Simpson, second lieutenant Twenty-fifth Infantry, brevet captain; Henry Metcalfe, second lieutenant Ordnance Corps.

THE FIGHT WITH THE PIEGANS.

The history of the difficulty with the Piegan Indians in Montana is officially given in a communication recently sent by the President to the Senate in answer to a resolution passed February 11. With this communication were transmitted the following letters and report:

COMMISSIONER PARKER TO THE ACTING SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., August 16, 1869.

SIR: I have the honor to transmit herewith a copy of communication just received from General A. Sully, superintendent of Indian affairs for Montana, which I respectfully request be submitted for the consideration and action of the War Department. I may add that, upon information received from other sources, I regard the apprehensions entertained by General Sully as well founded. A considerable number of the Sioux are still roaming and hostile, coming in only occasionally to the settlements of the located Indians on the Missouri, and almost always boasting of their continued hostility, besides committing acts of lawlessness, which, because we cannot punish, we must endure. These Indians roam far into Montana, and will lose no opportunity to commit acts of hostility upon the remote and exposed settlements. There is also serious danger to be looked for from the local Indians of Montana. The Crows have a treaty which embodies a stipulation for feeding them specific quantities of food for a certain length of time. Congress, however, neglected to make any appropriation to carry this stipulation into effect, and the Indians are consequently disappointed and dissatisfied. They regard it as a breach of faith and a just cause for a general war. The same may be said of the Piegans, Bloods, and Blackfeet, with some of whom the citizens have already come in conflict even in the streets of Benton. I regard it therefore of great importance that every precautionary measure should be taken to guard against an outbreak, and I heartily indorse General Sully's views and recommendations, and trust that favorable action may be taken by the War Department on his letter. Very respectfully, your obedient servant,

E. S. PARKER, Commissioner.

GENERAL SULLY TO THE COMMISSIONER.

HELENA, MONTANA TERRITORY, August 3, 1869.

SIR: I feel it my duty to report to you that I fear before long we may have serious difficulties between Indians and whites in this Territory, and I would urge upon you the necessity of applying for an immediate increase of military force in Montana to prevent this. There is no section of the country that has more Indians in it than Montana, taking into consideration those who permanently reside here and those who visit the Territory peaceably or with hostile intentions. I think, taking them all together, I can safely say that about from 50,000 to 60,000 men, women, and children, is the total of Indians frequently located here, and yet there is, if I am not mistaken, no section of the Indian country that has fewer troops stationed in it. At present there are not over four hundred men in the Territory, inclusive of the four companies of the Second Cavalry which have recently arrived, and, as I understand, are to leave and rejoin the Department of the Platte before winter. Should they do so, that will leave about two hundred men. These troops are distributed as follows:

One company of infantry at Camp Cooke, which is situated on the Missouri river, seventy-five miles below Fort Benton; three companies of infantry at Fort Shaw, located on the same river, sixty-five miles southwest of Benton; and three companies of infantry at Fort Ellis, near Bozeman City, one hundred miles southeast of Helena. All three companies are very weak, averaging from twenty-five to thirty men each. The cavalry battalion, under Brevet Colonel Brackett, is also stationed at Fort Ellis.

My reasons for apprehending trouble are [that war parties of Indians from the Powder River country, the British Possessions, and from Idaho and Washington Territories, frequently visit this Territory and often commit depredations on the whites. The whites retaliate by killing any Indians they may chance to meet, sometimes in the most brutal and cowardly manner. I cannot now give you a detailed account of these hostile meetings, which occur frequently. There is a white element in this country which, from its rowdy and lawless character, cannot be excelled in any section, and the traffic in whiskey with Indians in this Territory is carried on to an alarming extent. This frequently causes altercations between whites and Indians, resulting often in bloodshed, and as they occur in sections of the Territory where the civil authorities acknowledge themselves to be powerless to act, nothing but military force can at present put a stop to it. The law-abiding citizens of Montana are anxious for peace and quiet with the Indians, and would willingly give any assistance in their power to aid the authorities to carry out the laws if they were backed by force.

From reliable reports that increase daily, it is a wonder to me that open war with the Indians has not broken out.

ken out already, but as yet only several skirmishes between Indians and soldiers and citizens have occurred.

General De Trobriand, commanding this district, has offered me every assistance in his power to enforce the laws; but, as you see, his force is very small to do much. I intend to do all I can to arrest some of the citizens, who, about ten days ago, committed the cowardly murder of a harmless old man and a boy about fourteen years old, at Fort Benton. They were Piegans (a part of the Blackfeet nation). These Indians were shot in broad daylight in the streets of the town. I think I can arrest the murderers, but doubt very much if I can convict them in any court. Nothing can be done to insure peace and order till there is a military force here strong enough to clear out the roughs and whiskey-sellers in the country; but I will do all I can, with the limited means in my power, to prevent a war or any serious difficulties between the whites and Indians. With much respect, your obedient servant,

ALF. SULLY, U. S. A., Superintendent Indians.

HELENA, MONTANA, August 18, 1869.

SIR: I fear we will have to consider the Blackfeet in a state of war. In addition to the late attack by these Indians on a train near Fort Benton, a large number of horses have been stolen within fifty miles of here, and early this morning a ranch twenty-five miles from here was attacked and two men shot. The miners are very much exasperated.

GENERAL SULLY,
Superintendent Indian Affairs.

SUPERINTENDENCY INDIANS OF MONTANA, }

HELENA, MONTANA, September 27, 1869. }

SIR: I have to report two more depredations committed by the Indians, and supposed to be Blackfeet. This occurred four days ago, at a place not over seven miles from this city. A citizen by the name of James Quail, well known to all the people here, lost some horses and mules. He started out to look for them, and not returning, search was made for him, and his body found pierced with arrows and horribly mutilated. Nine Indians were seen, a few days before, driving off the stock from that direction. The Indians have now been at this work for over two months, and as no one, neither the military nor citizens, have made any attempts whatever to check them, they are daily becoming more bold in their operations.

I am told by those who have lost stock that they ride up boldly, in daytime, in the presence of citizens, and take what animals they please. Of course, this all comes to me with their complaints, thinking it is my duty to punish the Indians and recover their stolen property.

There are already over four hundred horses and mules known to have been stolen lately. That number, at \$150 each, will make an expensive claim against the Government. With much respect, your obedient servant,

ALFRED SULLY, U. S. A.,
Superintendent Indian Affairs.

REPORT FROM INDIAN AGENT TO GENERAL SULLY.

BLACKFOOT AGENCY, MONTANA }

TERRITORY, August 31, 1869. }

SIR: I have the honor to report the following in regard to the feeling and condition of the Indians of this agency:

The depredation committed upon the whites, so far, has been done by the Piegans. The Bloods and Blackfeet have had nothing to do with it whatever, and the Bloods, in particular, are very anxious to come to this agency and comply in all respects with the conditions of the treaty made with them last year, provided they can be fed and taken care of, according to the promises made them.

In fact, by what I can learn, there is, so far, only a small band of the Piegans that are or that have been interested in the depredations lately committed, and their moving north with their families has been caused by fear of being accused of having something to do with these depredations, and the false reports of irresponsible, mischief-making whites.

They are very anxious for the agency to be kept up according to the treaty, and appear to be well pleased by what they have heard of the superintendent of Indian affairs, and his intentions towards them.

I have employed twelve men at the rate of fifty dollars per month. I could not get them less, and have employed one four-mule team to haul wood, and to do such other work as has to be done about the agency.

I can get everything here that is required, with the exception of flour, of Mr. Hubbell, agent, and have written Mr. Hubbell about that, and expect he will attend to that soon. Any instructions you may wish to send me please direct to Fort Shaw, as that is the nearest point from here.

Your obedient servant,
F. D. PEASE,
Acting Agent for Blackfeet Indians.

BLACKFOOT AGENCY, September 2, 1869.

DEAR SIR: Having met with Major Pease, your special agent for the Blackfoot Indians, and from whom I learned your arrival in the country, connected with Indian matters, I thought it would not be amiss for me to drop you a few lines on that subject.

I have recently arrived from the interior, where I have been since last winter, with the Bloods and Blackfoot Indians. These people are perfectly friendly to the whites, and, up to the time I left there, they evinced no disposition to be otherwise. They were no little surprised to hear of the frequent raids made upon the whites by the Piegans. These people have always professed to be the friend and protector of the whites, living as they have in almost constant communication with Benton. I have not seen those Indians to know for what reasons they are now committing these depredations upon the whites, but really my knowledge of their character for a great many years will not permit me to think that there exists a general hostile feeling among them. On the contrary, these depredations have been committed by a portion of the young rabble over whom the chiefs have no control, and nothing but the strong arm of the Government can control.

The non-ratification of treaties made with these Indians has had anything else but a tendency to keep them quiet. Bound by no treaty stipulations, they think they have a perfect right to help themselves to any horses falling in their way.

I think, however, by keeping up this agency with a small amount of provisions, and to be given by the agent as their wants may require, will go a long way towards keeping them quiet, as the fast decreasing herds of buffalo, their only dependence for food, will render them wholly dependent on the Government for support.

The Bloods and Blackfeet, who are distant and live remote from each other, have no sympathy with the Piegans, and of course will take no part with them in any way. I expect in a short time these two tribes will visit this place, when a little straightforward talk will convince them that the Government is determined on making them keep the peace.

As I intend spending the winter here, I may have the pleasure of meeting you here in person, when I can give you, in regard to these Indians, all the reliable information you may want. Very respectfully, your obedient servant,

ALEXANDER CULBERTSON.

GENERAL SHERIDAN AND THE WAR DEPARTMENT.

HEADQUARTERS MILITARY DIVISION OF THE }

MISSOURI, CHICAGO, ILL., October 21, 1869. }

Brevet Major-General E. D. Townsend, Adjutant-General U. S. A., Washington, D. C.

GENERAL: I have the honor to acknowledge the receipt of a letter from the Secretary of the Interior, with accompanying reports of General Sully, Mr. Pease, and Mr. Culbertson, Indian agents in Montana, on the subject of depredations by the Piegan tribe of Indians.

We have had so few troops in Montana on account of the expiration of enlistments, as to have been unable to do much against these Indian marauders; but the regiments are now filling up, and I think it would be the best plan to let me find out exactly where these Indians are going to spend the winter, and about the time of a good heavy snow I will send out a party and try and strike them. About the 15th of January they will be very helpless, and if where they live is not too far from Shaw or Ellis, we might be able to give them a good hard blow, which will make peace a desirable object.

To simply keep the troops on the defensive will not stop the murders; we must occasionally strike where it hurts, and if the General-in-Chief thinks well of this, I will try and steal a small force on this tribe from Fort Shaw or Ellis during the winter.

Numbers about fifteen hundred men, women, and children, all told.

Very respectfully,

P. H. SHERIDAN, Lieutenant-General.

WASHINGTON, November 4, 1869.

Lieutenant-General P. H. Sheridan, commanding Military Division of the Missouri, Chicago, Ill.

SIR: Referring to your communication of the 21st ultimo, relative to depredations by the Piegan Indians in Montana, I have the honor to inform you that your proposed action, as stated therein, for the punishment of these marauders, has been approved by the General of the Army.

Very respectfully, your obedient servant,

E. D. TOWNSEND, Adjutant-General.

CHICAGO, ILLINOIS, January 29, 1870.

General W. T. Sherman, commanding Army.

In compliance with your permission of November 4, 1869, to punish the Piegan Indians who have been robbing and murdering in Montana, I have the honor to report the complete success of an expedition sent against them, under the command of Colonel E. M. Baker, Second Cavalry, in which one hundred and seventy-three Indians were killed, forty-four lodges destroyed, also a large amount of winter provisions, and three hundred horses captured, etc. I think this will end Indian trouble in Montana, and will do away with the necessity of sending additional troops there in the spring, as contemplated.

I am, General, very respectfully, your obedient servant,

P. H. SHERIDAN, Lieutenant-General.

HEADQUARTERS MILITARY DIVISION OF THE }

MISSOURI, CHICAGO, ILL., January 29, 1870. }

General W. T. Sherman, Washington

I have the honor to transmit the following despatch, forwarded by General Hancock from General De Trobriand, as further information on the subject of my despatch this morning: "The expedition a complete success; Colonel Baker just returned, having killed one hundred and seventy-three Piegans, destroying forty-four lodges, with all their winter supplies, robes, etc., and captured over three hundred horses; the Bloods turned over all the horses taken from the white people which were in their possession; the most of the murderers and marauders of last summer are killed; Pal and Mountain Chief escaped with a few followers, leaving everything but horses they were on; our loss, one man killed and a man accidentally wounded by falling off his horse. Report by mail without delay." This despatch is transmitted verbatim.

P. H. SHERIDAN, Lieutenant-General.

CHICAGO, ILL., January 31, 1870.

General W. T. Sherman.

Colonel Baker had to turn loose over one hundred squaws; had no transportation to get them in.

P. H. SHERIDAN, Lieutenant-General.

The following despatches concerning the late fight between Colonel Baker and the Piegan Indians, in Montana, explain themselves:

GENERAL SHERIDAN TO GENERAL SHERMAN.

HEADQUARTERS MILITARY DIVISION OF THE }

MISSOURI, CHICAGO, ILL., Feb. 28, 1870. }

General W. T. Sherman, Commanding United States Army, Washington, D. C.

GENERAL: I have your telegram of the 26th instant, and will make the necessary reports and furnish you all the facts in the case as soon as Colonel Baker's report is

received. Colonel Baker could not make out his report at Fort Shaw, as he was obliged to return immediately to Fort Ellis, to get shelter for his horses and men. I see that Mr. Vincent Colyer is out again in a sensational letter. Why did he not mention that Colonel Baker had captured over 100 women and children? This he suppressed, in order to do injustice to that officer by deceiving a kind-hearted public, and to further the end of the old Indian ring, doubtless in whose interest he is writing. So far as the wild Indians are concerned, the problem to be decided is, Who shall be killed, the whites or the Indians? They can take their choice. Since 1862 at least 800 men, women, and children have been murdered within the limits of my present command in the most fiendish manner; the men usually scalped and mutilated, their private parts cut off and placed in their mouths; women ravished sometimes fifty and sixty times in succession, then killed and scalped, sticks stuck into their persons before and after death. I have myself conversed with one woman who, while some months gone in pregnancy, was ravished over thirty times successively by different Indians, becoming insensible two or three times during this fearful ordeal; and each time, on recovering consciousness, mutely appealed for mercy, if not for herself, for her unborn child. Also another woman ravished with more fearful brutality over fifty times, and the last Indian sticking the point of his sabre into the person of the woman. I could give the names of these women were it not for delicacy. It would appear that Mr. Vincent Colyer wants this work to go on. I mention these two cases especially because they came under my own personal examination, and can give them as an example of what has occurred to hundreds of others. The old Indian ring has again set itself to work to get possession of Indian affairs, so that the Treasury can be more successfully plundered, and are printing and circulating through the country specimens of doggerel poetry, such as I enclose to you with this communication. These specimens have been sent to me secretly, and you can from them better judge of their object. I am, General, very respectfully, your obedient servant,

P. H. SHERIDAN, Lieutenant-General.

SAME TO SAME.

HEADQUARTERS MILITARY DIVISION OF THE }

MISSOURI, CHICAGO, ILL., March 4, 1870. }

General W. T. Sherman, Washington, D. C.

A band of Sioux Indians some time ago passed Fort Rice, en route to attack the Mandans at Fort Berthold, because they are and have always been friendly to the whites. The commanding officer at Fort Rice tried to dissuade the Sioux from their purpose by reading their treaty to them and speaking of the anger of the Great Father (the President). They laughed at him, and made their attack. I have somewhat blamed the officer at Fort Rice for not having attacked this party, and have ordered that hereafter, in similar cases, he should use his command for the destruction of such parties. Again the Sioux are about to renew the attack on the Mandans, and some of them may get hurt under my orders. Shall I countermand my directions, or let them "stick?" Please answer.

P. H. SHERIDAN, Lieutenant-General.

GENERAL SHERMAN TO GENERAL SHERIDAN.

WASHINGTON, D. C., March 5, 1870.

General P. H. Sheridan, Commanding Military Division of the Missouri, Chicago, Ill.

Letters of February 28 and despatch of March 4 are received. Your instructions to protect the Mandans are perfectly right, and should be adhered to. The commanding officer at Fort Rice cannot protect the Mandans, but he might prevent a war party going up. The troops at Stevenson should afford them protection, and if hostile Sioux are killed they deserve it. The substance of your letter about the Piegans has been read by the Secretary of War to the Cabinet, and will be given to the press. Let us have Baker's full report as soon as possible.

W. T. SHERMAN, General.

THE FRIENDLY SIOUX INDIANS.

HEADQUARTERS MIDDLE DISTRICT, FORT SULLY, }

DAKOTA TERRITORY, February 20, 1870. }

Hon. Ely S. Parker, Commissioner of Indian Affairs.

SIR: I desire to lay before you some information concerning the condition of the Sioux at the Cheyenne and Grand River agencies, in accordance with the request of the principal chiefs, who from time to time come to me with their complaints and hopes. It is useless for me to tell the Indians that they ought to go to their agents. They know that I am the ranking military officer here, and they insist that I must write to their Great Father. As to the condition and conduct of the Sioux at the two agencies referred to, I see no reason to complain, except that the young men have killed a few beef cattle belonging to the contractor, and all the friendly Sioux persist in making raids on the Rees and Gros Ventres. As to their complaints, they all arise from their misunderstanding of the treaty at Fort Rice. As you are aware, an Indian never forgets anything that is promised him. Nor can he understand why circumstances should interfere with the fulfillment of the promises. Now, it is true that the Peace Commissioners at Fort Rice pictured to the Indians a pretty liberal view of their improved condition under the treaty, and the Indians come to me and say: "Where are those houses you were going to build us? Where are the cows, the sheep, the pigs, etc.? But above all, where are the guns and ammunition we were to have received?" The planting of corn, also recommended to them, and which we promised to assist them in, has, as yet, made little progress. All the Indians whom we are accustomed to call friendly are very anxious to farm. Last year, owing to the want of laborers and oxen, very little was done, and while upon this subject I would recommend that a strong effort be made this spring to get as much land broken as possible, to give the Indians a start in planting; and whilst recommending I would

respectfully advise that a liberal supply of trade rifles and ammunition be furnished to the friendly Indians this summer. I have no fear nor any belief that under any reasonable treatment these Indians would ever use these guns against the whites. Since the council at Fort Rice, the friendly Indians have used all the means they could to induce the hostile Sioux to come in and bury the hatchet. Many of them have given away all their horses and goods to hostile Indians, in trying to conciliate them, and now the friendly chiefs tell me they have given the matter up; that they can do nothing with their wild relations, and that all they desire is to keep their bands together, to learn to farm, and to keep away from the hostile Sioux entirely. To encourage these friendly Sioux in every possible way is, of course, very important. They amount to eight or ten thousand souls; and if the hostile Sioux must finally be put down by force of arms, which appears inevitable, the value of keeping the friendly ones quiet cannot be over-estimated. Of course, the prospect of a crop the first year upon sod land is not good; but if twenty or thirty teams could be employed to break land this spring, the Indians would raise some corn, and the prospect for next year would greatly encourage them.

I am, very respectfully, your obedient servant,
D. S. STANLEY,
Colonel Thirty-second Infantry, Major-General U. S. Army, commanding District.

CHANGES OF STATIONS.

The following is a list of the changes of stations of troops reported at the War Department since last report:

Company E, Sixteenth Infantry, from Jackson, Miss., to Corinth, Miss., February 6.
No changes in cavalry or artillery.

THE NAVY.

The Editor would be pleased to receive for this Department of the JOURNAL all facts of interest to the Navy, especially such as relate to the movements of officers or vessels.

VARIOUS NAVAL MATTERS.

The United States sloop-of-war *Jamestown* was to sail from San Francisco for Honolulu March 7, and the U. S. steamer *Saranac* for Mazatlan on the 8th instant.

ENSIGN William B. H. Frailey has resigned his commission in the United States Navy. His resignation was accepted by the Secretary of the Navy February 17.

A TELEGRAM from London dated March 3 says: "The trial trip of the new frigate *Captain* took place to-day. She made eleven knots an hour with a screw revolving at half speed. The vessel is considered a complete success."

The third class paddle-wheel steamer *Ashuelot*, of the Asiatic fleet, has been sold by Rear Admiral Rowan, commanding that station, on account of her unseaworthy and worn-out condition. The *Ashuelot* was repaired at Boston in 1866, and sailed from there in 1866 as an escort of the iron-clad *Monadnock*, after which she joined the Asiatic fleet.

The following number of men were taken in the Norfolk Navy-yard, March 2: steam engineering, 65 men, and construction, 250 men; this is about $\frac{1}{2}$ of the number discharged. There are 697 men employed in this yard. The wreckers are busily engaged on the wrecks of the *Pennsylvania* and *Columbia*; on the latter vessel they are using sixty-pound charges of powder, with good effect, but owing to the nearness of the buildings of the yard to the place of explosion, orders have been given to lessen the charges. The old *Delaware* is no more, the wreckers having entirely cut her up; the old *Raritan* is lying opposite the yard waiting to be docked.

ORDERS have been received at the Brooklyn Navy-yard to fit out the *Tennessee*. The *Guerriere* is also to be fitted out. The *Wachusett* is to be fitted out as soon as possible. The *Shamouti*, a screw of the fourth rate, now lying on terra firma, and unplanked, is also on the list to be sent to sea. She is a small craft of 410 tons, carrying four guns. Rear-Admiral John Rodgers arrived at the Brooklyn Navy-yard on the 4th inst., and immediately went on board his flagship, the *Colorado*. The armament of the tender *Palos*, consisting of six howitzers, has been put on board of the *Colorado*. The *Palos* goes to the East Indies, via the Suez Canal. The sailing sloop-of-war *Saratoga*, which is fitting out at the Brooklyn Navy-yard, will join the Brazil squadron. Commander R. W. Meade, Jr., will command her.

In answer to the resolution of the House of Representatives directing the Secretary of the Navy to furnish the names of paymasters who have been reported defaulters, with the amount of their respective defalcations, since March 4, 1869, Secretary Robeson reports the following list: A. McC. Bishop, \$3,941 31; B. J. Cahoon, \$23,799 41; Washington Irving, \$76,637; Wm. G. Marcy, \$124,837 99; T. C. Masten, \$1,261 81; Emanuel Mellach, \$35,470 60; Richard Washington, \$30,817 42; C. H. Lockwood, \$24,226 57; Chas. W. Hassler, \$2,304 02; W. C. Blackwell (late acting assistant paymaster), \$123,588 63. He adds that "there are other cases of reported delinquency by paymasters, the circumstances of which, though under investigation, do not at this time justify the charge of defalcation, and the Department therefore refrains from the public mention of their names in this connection at present."

SEVEN hundred and fifty sailmakers and riggers were discharged from the Brooklyn Navy-yard on Monday morning, the funds giving out in that department. The late gate-keeper John F. Waugh, who was discharged a few weeks ago from the Navy-yard through the influence of Congressman Darling at Washington, has been honorably reinstated in his former position. The *Colorado* and *Alaska* will go to the Battery on Saturday, and in a day or so after will start together for China. One hundred and seventy carpenters are now working on

the *Canandaigua*, formerly commanded by Captain, now Commodore Strong. Work is stopped on all the ships except the *Canandaigua*, *Tennessee*, and *Guerriere*. Fifty men are employed in the ordnance department and live on the storeroom *Relief*. Sixty men, including blacksmiths, machinists, pattern-makers and helpers, have been taken on in the steam engineering department.

KEY WEST, FLORIDA, February 23, 1870.

To Hon. Geo. M. Robeson, Secretary of the Navy.

SIR: It becomes my melancholy duty to report the death of Surgeon Jno. J. Gibson, U. S. Navy, who died of yellow fever at this place on the morning of the 19th instant at 7:30 A. M., and was buried at 4:30 P. M. of the same day, with military and masonic honors. His remains were enclosed in a metallic coffin, and interred in the Army cemetery. This officer arrived here ill, on board the U. S. steamer *Seminole*, of which vessel he was surgeon, and was removed from that vessel on the 6th instant with my permission (the Admiral being absent), to the marine hospital on shore. Everything was done possible to restore him to health, but without success. His private effects are in possession of Paymaster G. L. Mead, U. S. Navy, stationed here, who has received instructions from his friends how to dispose of them. His account has been forwarded to the Fourth Auditor's office, Washington, D. C. Very respectfully,
H. N. T. ARNOLD, Commander.

THE U. S. S. Congress went into commission at the Philadelphia Navy-yard on the 3d. The following is a list of the officers: Captain N. B. Harrison, commanding; Lieutenant-Commander R. S. McCook, executive officer; Lieutenant-Commander Stephen A. McCarty, navigator; Lieutenants, Charles H. Stockton and Eugene B. Thomas; senior marine officer, First Lieutenant Charles L. Sherman; master, William Watt; ensigns, Blecker, Marricks, and Stickney; second lieutenant of marines, Edward T. Bradford; surgeon, Wm. L. King; assistant surgeon, John J. Liggett; paymaster, Casper Schenk; chief engineer, J. W. Thompson, Jr.; first assistant engineer, A. H. Fisher; second assistant engineer, Walter D. Smith; boatswain, William G. Tompkins; gunner, Samuel D. Hines; carpenter, Leonard Hanson; sailmaker, John J. Stanford; mates, George P. Gifford, David Tudor, and D. C. Harrington. The Congress makes her trial trip to Boston, where she receives on board Commodore J. F. Green, who will hoist his flag as the commodore of the southern division of the North Atlantic squadron. After leaving Boston she proceeds to Samana, Hayti, for the purpose of establishing a coal station on the property purchased by the Government.

THE Secretary of the Navy has sent to the House a reply to Fernando Wood's resolution, inquiring by what authority the Spanish frigates *Victoria* and *Lealtad* were allowed to go into the naval dockyards at New York for repairs. After reciting the terms of the resolution, the Secretary says: "In reply to the resolution I have the honor to state that informal application was made to this Department on behalf of the Spanish Government for permission to deposit the armament, and part of the equipment, of the ships referred to in the Navy-yard, preparatory to going into private docks for repairs. It was replied that such an application should be made only through the State Department. No further application has since been made. There is no law or treaty stipulation on this subject known to the Department, but it has always been our uniform practice toward all nations with whom we are at peace, and that of Spain and other nations toward ourselves, to afford in our Navy-yards to the officers of the war ships needing repairs, such of the required facilities for that purpose as did not interfere with our own work. By this reciprocal custom the officers of the ships referred to would be entitled, should they require it, to the use of our government docks when they are disengaged. This is not likely to be the situation of the docks, however, and they will not be cleared for the purpose."

A CORRESPONDENT of the Washington *Chronicle*, writing from Annapolis March 4, says: "A grand reception of General Sherman and specially invited guests took place yesterday, March 3, on board of her Majesty's steamer *Monarch*, which will long be remembered by those who were present on the occasion. At an early hour in the morning the marines and officers of the Naval Academy, with a band, all under the direction of Commodore Worden, had assembled at the gates of the academy to welcome General Sherman and the guests of the occasion. After a salute and parade of the naval command, the party proceeded to breakfast at Commodore Worden's, where, after enjoying the good things spread before them, they were shown through the academy buildings and over the grounds, after which they proceeded in the steamer *Fox* to visit the *Monarch*. The day was warm, clear, and pleasant. On nearing the British steamer her yards were manned, and the officers, marines, and sailors, under Captain Commerell, drawn up to receive their distinguished visitors. After these salutes, usual only on grand occasions, the party were conducted through all portions of the vessel, and every matter of interest pointed out and explained by the officers of the *Monarch*, after which they were conducted to the lunch room, where a magnificent lunch or collation was spread. Wine flowed freely, and at its conclusion General Sherman, in a few appropriate remarks, thanked Captain Commerell for his courtesies. General Sherman's address was responded to by the Captain in a feeling manner, when the guests parted with many regrets and steamed back to the Naval Academy, and thence to their homes. Among the guests we noticed General Humphreys, of the Engineers; Generals Rodman and Dyer, of the Ordnance Bureau; General Comstock, Chief of Engineer Staff; General Carter; Hon. Reverdy Johnson, late Minister to England, and others, all of whom expressed themselves under great obligations to Commodore and Mrs. Worden for courtesies social and official extended to them."

A PART of the correspondence between Admiral Farragut and Secretary Robeson, upon the question of line and staff rank in the Navy, has already been published. The following are additional letters:

NAVY DEPARTMENT, WASHINGTON, Feb. 21, 1870.
Admiral D. G. Farragut.

SIR: There is a letter on file in the Department, of date of January 20, 1869, bearing your name as its signature, addressed to Hon. Gideon Welles, Secretary of the Navy, purporting to give your views in favor of legalizing the regulations of the Navy Department of 1863, as to the rank given to paymasters by those regulations; and as doubts have been expressed as to the genuineness of the letter in question, it is enclosed here, with the request that you will be pleased to inform the Department if it is a genuine letter or the contrary, returning it with your answer to this communication. Very respectfully,

G. M. ROBESON, Secretary of the Navy.

The following is the letter enclosed:

EBBITT HOUSE, WASHINGTON, Jan. 20, 1869.

Hon. G. Welles, Secretary of the Navy.

SIR: The claims of the Paymasters' Corps concerning rank, etc., have, in my judgment, equal force and value with those of the medical branch of the service. The legalizing by act of Congress of the existing regulations of the Navy Department touching staff rank, should, I think, be accorded. The practical working of these regulations since 1863, founded as they are in strictest justice and right, proves the propriety and necessity of giving them the force and effect of law. Respectfully, your obedient servant,

D. G. FARRAGUT, Admiral.

Admiral Farragut returned the following reply:

ARLINGTON HOUSE, WASHINGTON CITY,
February 21, 1870.

Hon. G. M. Robeson, Secretary of the Navy, Washington city.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, with an enclosure purporting to be a letter addressed from me to Hon. Gideon Welles, Secretary of the Navy, bearing date January 20, 1869, urging the legalizing by Congress of the regulations of the Navy Department of 1863, relating to the rank, etc., of paymasters of the Navy.

After examining very carefully the letter referred to, I have no hesitation in saying that the composition is not mine, and that, although the signature bears some semblance to my own, I am satisfied that I never signed that letter.

The letter referred to is herewith returned.

I have the honor to be, sir, your obedient servant,

D. G. FARRAGUT, Admiral U. S. Navy.

NAVY GAZETTE.

REGULAR NAVAL SERVICE.

ORDERED.

MARCH 2.—Lieutenant George E. Wingate, to the *Saugus*.
MARCH 4.—Paymaster Samuel T. Browne, to duty as naval store-keeper at Rio de Janeiro, Brazil.
First Assistant Engineer Alexander V. Fraser, to duty at the New York Navy-yard.
MARCH 5.—Lieutenant E. S. Keyser, to Washington for examination for promotion.
MARCH 7.—Lieutenant-Commander Benjamin F. Day, to the *Colorado*.
Chief Engineer B. F. Garvin, to duty as president, and Chief Engineers John S. Albert and Geo. F. Kurtz as members of a board for the examination of engineers preliminary to promotion.

DETACHED.

MARCH 2.—Master Washburn Maynard, from the Naval Academy, and ordered to torpedo duty at Newport, R. I.
Ensign Jesse B. Smith, from signal duty, and ordered to the *Alaska* as signal officer.
MARCH 3.—Master Richard M. Cutts, from signal duty at Washington, D. C., and ordered to duty in the Pacific Fleet.
MARCH 4.—Lieutenant-Commander G. C. Wiltse, from the *Saugus*, and granted sick leave.
MARCH 5.—Ensign Franklin J. Drake, from signal duty at Washington, and ordered to the *Colorado* as signal officer.
Lieutenant-Commander John C. Rowland, from the *Alaska*, and waiting orders.
Lieutenant-Commander Henry F. Picking, from the *Colorado*, and ordered to the *Alaska*.

ORDERS REVOKED.

MARCH 5.—The order detaching First Assistant Engineer A. T. E. Mullin from the *Plymouth*.

LIST OF DEATHS.

In the Navy of the United States, which have been reported to the Chief of the Bureau of Medicine and Surgery for the week ending March 6, 1870:
John Adams, seaman, February 23, U. S. steamer *Ferris*.
Thomas Flynn, marine, January 1, Navy-yard, Norfolk, Va.
Thomas Dillard, surgeon, March 1, Philadelphia.
John O'Hara, seaman, February 26, Naval Hospital, New York.
Patrick Murphy, ordinary seaman, February 27, Naval Hospital, New York.

CHANGES IN THE MARINE CORPS.

The following are the changes in the officers of the Marine Corps since last memoranda, viz.:

Captain John H. Grimes.—Dismissed the service by sentence of General Court-martial. Sentence approved, to take effect from February 11, 1870. (Published in General Orders No. 150, from Navy Department, dated February 11, 1870.)
First Lieutenant and Brevet Captain Louis E. Fagan.—Joined steamer *Saranac* January 27, 1870, from steamer *Pennacola*.
Captain Horatio B. Lowry.—On February 3, 1870, commissioned a captain by the President, by and with the advice and consent of the Senate, from October 16, 1869.
First Lieutenant Richard R. Neill.—On February 3, 1870, commissioned a first lieutenant by the President, by and with the advice and consent of the Senate, from October 16, 1869.
Captain Wm. B. McKean.—On February 23, 1870, upon the recommendation of a Board of Medical Survey, granted sick leave for 30 days, from the Brooklyn, N. Y., station.
Second Lieutenant Horatio R. Bigelow.—Resigned. Resignation accepted February 23, 1870.
Second Lieutenant Green Clay Goodloe.—On March 4, 1870, ordered to proceed to Brooklyn, N. Y., and report to Brevet Lieutenant-Colonel John L. Broome, commanding marines, as the officer detailed to instruct the marine officers at that station in the Army Code of Signals.

Captain James Wiley (assistant quartermaster).—Reported from leave of absence March 1, 1870, and on March 2, 1870, ordered to resume his duties as assistant quartermaster at New York city, and to report to the quartermaster of the corps for instructions.
The following are the names of the guard of the steamer *Onida* (reported wrecked): Orderly Sergeant George W. Waters; Corporals Francis R. Burns, James Stanley; Privates James Boyle, Frank J. Connelly, George Chalmers, Ernest Desbort, William Dauphin, John Kelly, Washington Postley, Lewis Sturges, George A. Stone, William Tiel.

THE FARRAGUT PRIZE CASES.

In the case of David G. Farragut, for himself and others, v. the ship *Metropolis* et al., Judge Wylie delivered the following opinion:

This is a libel of information filed by Admiral Farragut on behalf of himself and the officers and men of the Western Gulf Squadron against a large number of armed vessels of war belonging to the late Confederate Government, as well as a large number of steamboats and other vessels not armed, and other property of large value belonging to citizens of said so-called Confederate States, all captured at and below the city of New Orleans, and on the river Mississippi, between the 23d of April and 1st of May, 1862, during the late rebellion, praying that said vessels and other property may be condemned as prize of war, and their proceeds may be distributed according to the law of prize.

The most of this property was appropriated after the capture to the use of the United States, some of it lost through accident, and some of it destroyed, so that no part has been brought in for adjudication.

The libel of information in this case has not been filed either by the District Attorney or on behalf of the Government, but solely on behalf of the captors, and by their own private counsel. The proceeding was instituted on the 26th of April, 1869, and motion issued and served on the Secretary of the Navy and on the District Attorney.

On the 19th of November, the District Attorney presented a petition to the court praying that an order might be made to admit the United States as a defendant in the cause, with leave to plead, and this petition was granted. On the same day he filed a demurrer on behalf of the United States to the libel of information in the usual form of a general demurrer to a declaration in action at common law. There was a joinder of issue on the demurrer. And it is in this shape the cause has been argued.

These steps in pleading seem to the court to have been inappropriate, to say the least of them. The demurrer ought not to have been received. Then it was improper to admit the United States to be a defendant in the cause, for the District Attorney possessed no authority to make such motion on its behalf, or the court to grant it. And lastly, a formal demurrer to a libel of information is a form of pleading unknown to courts of prize.

We have then a case in which a libel of information has been filed by private counsel for the captors, against certain vessels of war belonging to a public enemy, captured on the high seas in contemplation of law (as these libellants claim)—certainly captured within the limits of maritime and admiralty jurisdiction—in which there is a prayer that the property captured may be condemned as prize of war, and yet there is no appearance of the Government with the captors, and no mention of the Government's rights in the libel.

On the other side, the United States appears by its representative in this court, and is made a defendant, and puts in a general demurrer to the libel without asserting any claim to the property in itself.

I find it impossible to extricate the case from these embarrassments, except by returning upon our steps, setting aside the sentence of condemnation, striking out the appearance of the United States as defendant, as well as the demurrer which it has filed, and giving leave to the captors to amend their libel of information so that the proceedings shall appear to have been instituted as well on behalf of the Government as of the captors.

To make war is the sole prerogative of the Government, and the acquisitions of war belong to it alone.

The form of adjudging prize is that the ship or other captured property is subject to confiscation and condemned for good and lawful prize to the United States.

There can be no valid condemnation as prize of war except to the Government.

The Government, however, has by its own statutes declared and promised that the proceeds of prize, when condemned, shall belong wholly or in part to the captors; but before condemnation the captors possess no title to the property. If it were otherwise, the captors might institute their proceedings on the instance side of the court, where there is jurisdiction to decide upon questions of private rights and interests, and the forms of proceeding and practice are widely different from those of the prize courts, which are courts established under the law of nations. In *Lindo v. Rodney* (Doug. R. 614, note), Lord Mansfield said the whole system of litigation and jurisprudence in the prize court is peculiar to itself. It is no more like the court of admiralty than it is to any court in Westminster Hall.

It is not to be inferred from this, however, that the Government may block out the captors from the courts of justice, by simply refusing or neglecting to institute proceedings for condemnation, especially if by any means it has previously appropriated the prizes captured to its own use.

In the *Mercurius* (1 Ch., Robinson R. 81), Sir William Scott said, "That although the king was undoubtedly the fountain of prize, he has conveyed away his interests in it to various persons: to the commanders and crews of his own ships; to his other subjects by letters of marque; and to the Lord High Admiral of England. It has been declared by high authority that the interest of prize is vested in the captor, and that the captors may, against the wish of the crown, proceed to adjudication."

It is quite true that this same judge, subsequently, in the case of the *Elise* (5 Rob., 185), decided that "neither the order in council, the proclamation, nor the prize act give any property to the captors till adjudication." But I do not regard this last opinion as denying the right of the captors to use the name of the crown, if the case should occur that the attorney or proctor for the crown should himself persist in declining to initiate the proper proceedings for condemnation.

The whole legislation of this Government on this subject has placed the control of prize proceedings, so

far as its interests are or may be concerned, in the Secretary of the Navy. He is made by law the organ of the Government in this respect, and authorized to give its instructions to the attorneys for the Government. It is made his duty not only to see that no wrong shall be done to the rights of captors, but is even authorized to employ special counsel "for the due protection of the interests of the captors, and of the Navy pension fund; and under the direction of the Secretary of the Navy such counsel may institute and prosecute such proceedings in the case as may be necessary and proper for the protection of such interests." (Prize Act of June 30, 1864, section 23.)

The same act further provides in section 28: "If, when no property can be sent in for adjudication, the Secretary of the Navy shall not, within three months after any capture, designate a district for the institution of proceedings, the captors may institute proceedings for adjudication in any district."

Both these sections of this act are declared expressly to apply both to captures heretofore made, or that shall hereafter be made.

I am of opinion, therefore, that in the present case the captors are authorized by law to employ their own counsel, and to use the name of the United States in their proceedings should that be deemed necessary for the protection of their interests, especially if authorized so to do by the Secretary of the Navy.

The embarrassment in the present case is understood to grow out of the fact that the proceeds of the property claimed for prize have gone into the Treasury of the United States, and that the Secretary does not regard these captures as the subject of prize of war, but as belonging wholly to the Government under the laws relating to captured and abandoned property in the rebel States, and that he has enlisted the District Attorney on his side of the question.

It is not a matter of much surprise that under these circumstances there should have arisen the difficulties which have thus far embarrassed the present case. But justice must be done to the captors and Navy pension fund. If these have rights, or think they have rights proper to be adjudicated in this matter, it is the duty of the court to see that they shall not be debarred from their assertion by the course of the District Attorney, or by any considerations belonging to the mere forms and technicalities of the proceedings.

It may be that the views of the Secretary of the Treasury and of the District Attorney are correct, but that is no reason why the captors should be denied the opportunity of having the question determined by judicial authority.

THE LOSS OF THE ONEIDA.

A GENTLEMAN who is familiar with China and Japan, S. T. A., writes as follows concerning the *Oneida* disaster in the *Providence Journal*:

In the East I have seen such utter disregard for the concerns, even for the lives of Chinese and Japanese on the part of steamship commanders—on the part of English commanders noticeably—that I am not exceedingly surprised that it has at last grown to be so great. The place where the *Oneida* is said to have gone down is in a portion of the bay, or it might be called the entrance to the bay of Yeddo from the sea. On each side the coast is irregular, and hence making the width in some places not more than two and a half miles, and in other places as much as six or eight miles. The marinetrack is generally near the northern and bluff side. It is stated that the fires of the *Oneida* were "banked;" she had, then, only sufficient steam to get out of port, and must have been going slow, intending to depend upon her sails when once out of the bay—and she was an excellent sailer. The *Bombay*, a large iron steamship with high stem, anxious, as all of them are, to make a good run, was probably going fast, not less than ten or eleven knots. The *Oneida* must have had a bright light in her foretop, and two other strong lanterns, with Fresnel lens, one, a crimson one, in the port, and another, a green one, in the starboard main or mizzen rigging, and eight or ten feet above the rail. Nothing then could have prevented her being plainly seen but dense fog. The evening of January 24, last year, was a charming, clear night, and my diary records but two foggy nights in the month of January last in Yokohama and vicinity. Besides, the messages do not allude to its being thick, and there seems not a shadow of excuse for the collision. The bay is so entirely land-locked, that the wind from no quarter can occasion a dangerous sea, and it cannot usually be called "rough." The whole affair seems a monstrous case of crime, without the slightest palliation.

The *Oneida* was a beautiful vessel, and one of the gems of our naval marine. She was in the passage of Forts Jackson and St. Philip, and the subsequent fighting on the Mississippi; was at the taking of Mobile, and had a most honorable record. She had steamed away from Yokohama with her homeward-bound pennant flying. Her officers were truly a set of the finest men I have ever met. Captain (Commander) Williams, jolly and brave; his naval sobriquet was the synonyme of good nature and zeal. The first lieutenant, Stewart, was a fellow of splendid physique, absolutely fearing nothing, a thorough sailor and a true gentleman. The navigator, Lieutenant-Commander Muldaur, entering the service at the beginning of the war, and at the bottom of the list, had won himself so gallant and honorable a name that the regular service needed him, and he came into it, where he has since remained, a most worthy and finished accession. The paymaster, Thomas L. Tullock, Jr., of Washington—I never saw any one that had met him that did not love him. Gentle and winning in his deportment, his personal attentions, for a man, had such tenderness and grace, that before you knew it he had won your affection and esteem. A most honorable war record had been followed by a spotless official and private reputation. Dr. Frothingham, retired and unostentatious, was not only a good surgeon and a faithful officer, but was keenly

alive to and an earnest advocate of those movements which result in blessings to mankind. Acting Chief Engineer Littig, heading his list and grade, was all that a good officer, an amiable mess-mate, and an honorable man, can be. One of the other engineers, Barstow, was, I think, a nephew of one of our late esteemed citizens; and these men, young and most worthy, not only fitting, but brilliant representatives of America and her naval service, looking upon the beautiful shores of Japan for the last time, the near future bright with promise of family reunion, thus cut off by most inconceivable stupidity—it looks like inhuman crime. The time must have been immediately after their dinner, when almost to a certainty they had gathered together, smoking and talking of their return home. Every soul in the ship must have been wide awake, and it was the hour of greatest leisure throughout the vessel.

THE MONITOR SYSTEM.

THE following letter from Captain Ericsson appears in the *London Engineering* of February 18:

To the Editor of Engineering.

SIR: The report of Mr. Robeson, the present Secretary of the United States Navy, has been most erroneously interpreted by those English journals who assume that the forty iron vessels of 800 tons burthen, for coast defence, which Mr. Robeson proposes to build, will be monitors. Such a supposition shows complete ignorance on the subject, as our smallest monitors, of the *Passaic* class, have a displacement of 1,500 tons; while the larger class of monitors range from 3,000 to 7,000 tons displacement. It should be observed, that no reason whatever exists for adding to the monitor fleet, as the United States now possess turrets enough afloat and on the stocks for any possible emergency. Indeed, it may be asserted that they are sufficiently numerous to defeat the present armored fleet of England if entering our harbors. In support of this assertion it will suffice to state, that 24 of the English iron-clad ships, nearly all first class, are protected with only 4½-inch armor-plating; the average thickness of plating of the 47 vessels tabulated in Mr. Reed's recent work, being only 5½ inches. Thus, while the English gunner fights behind armor plates less than 6 inches thick, the American monitor turret affords a protection varying from 11 to 15 inches thickness of iron. The annexed delineation, representing sections of two classes of English and American iron-clads, shows very clearly the superior strength of the turret over a broadside vessel with average thickness of plating. The stale objection that our turrets are composed of a series of thin plates scarcely merits consideration in view of the fact that the total weight is not affected by the number of plates employed. It is all-sufficient that the system admits of carrying the stated enormous thickness. The substituting solid for laminated plating may be done at any time, and at comparatively small cost. Under these circumstances, the security of the maritime cities and dockyards of the United States against foreign aggression has of late years been deemed assured. But the means thus relied upon have suddenly lost their potency. Mr. Reed is now building monitors carrying the full thickness of solid armor possible by adopting the turret and abandoning freeboard and sails. The *Devastation* and the *Thunderer* may steam up the Hudson in spite of our batteries and our monitors, and dictate terms off Castle Garden.

Mr. Fox, in order to prove that monitors could cross the ocean, paid a visit to St. Petersburg in the *Miantonomoh*, and Commodore Rodgers went round Cape Horn in the *Monadnock*. Shrewd men, at the time, expressed the opinion that the United States would some day have cause to regret this eagerness to convince maritime rivals that monitors, contrary to the prevailing opinion, could navigate the ocean. Well-informed persons said that the spirited Assistant Secretary of the Navy only intended to convince the English that turrets could be sent to St. Lawrence. Certain writers, however, inferred from his report to the Navy Department after his return from St. Petersburg, that he recommended monitors in place of sailing iron-clads, for the protection of American commerce in distant seas. The absurd idea of employing vessels without sails for such a purpose was, of course, ridiculed by professional men, specially those connected with the service. Mr. Fox, who from the commencement up to the present time has regarded the monitor as a fighting machine, was himself actually engaged for a long time in maturing plans of full-rigged iron-clad casemate ships.

It is surprising that, although wholly unacquainted with the true state of the case, a London mechanical journal, smarting under the failure of its persistent endeavor to influence the Chief Constructor of the British navy, should now assert that the proposition of Mr. Robeson, to construct ten full-rigged broadside iron-clad ships for foreign stations, is "withering testimony to the defects of the monitor system." Mr. Robeson, it will be observed, couples his proposition with the following remark: "It is true, our best monitors would, if brought into action, be powerful against anything that floats, but these are steam batteries, not sea-going cruisers." Mr. Reed is acting in strict accordance with the ideas of Secretary Robeson and the professional advisers of his predecessors. He is building, not sea-going cruisers with masts and sails, but genuine monitors, "fighting machines," as Mr. Fox appropriately terms these vessels. Unfortunately for the United States, the persistent advocate of the monitors demolished by his voyage to St. Petersburg objections which, had he not made that demonstration, might have deterred the British Admiralty from building these fighting machines.

The subject is now being anxiously discussed in our naval circles, and the question is being continually asked, what force can we oppose to Mr. Reed's sea-going monitors *Thunderer* and *Devastation*, with their solid 12-inch side armor and 14-inch thick plating on the turrets? Some persons censure Mr. Fox for having so effectually established the fact that monitors are sea-going craft, while others regret that the Chief Constructor of the British navy, in addition to his skill, should pos-

ness a mind so perversely independent as to disregard the advice tendered by distinguished members of the mechanical press. There is a third class of persons, however, outside of official circles, who, cheerfully accepting the situation, are now endeavoring to solve the following important problem: How can monitors, superior in thickness of armor to our own, be defeated, and what use might be made of those forty 800-ton iron vessels which Secretary Robeson desires to build for coast defence?

In a future communication I propose to show how the problem may be solved, and now conclude by asserting that impregnability is no longer attainable by the mere application of a belt of armor-plating reaching a few feet below water line. Up to the present time Mr. Reed has unquestionably distanced all his competitors; the *Thunderer* and *Devastation* are in fact impregnable above water. But it will soon be found, as stated, that invulnerability calls for devices wholly different from those which are now deemed sufficient. Much has, however, been gained by the British Admiralty carrying out Mr. Reed's adaptation of the monitor system. The problem has thereby been greatly simplified, and all further speculation as to what ought to be done above water may now be regarded as waste of time. The field, in fine, has been most materially reduced; our labors being now confined to devising means for piercing the hull below the point that terminates the protection for which Mr. Reed is indebted to the skill of Sir John Brown. Yours truly, JOHN ERICSSON.

NEW YORK, February, 1870.

CORRESPONDENCE.

Our correspondents are informed that communications intended for our columns, to receive prompt attention, should invariably be addressed to THE EDITOR OF THE ARMY AND NAVY JOURNAL, Box 3,201, New York.

DETACHMENT SERVICE.

To the Editor of the Army and Navy Journal.

SIR: Said a Canadian gentleman to us the other day, while we were on a brief visit to her Majesty's dominions: "Really, my dear fellow, you must find this detachment service a remarkable bore." We hope it isn't disloyal to say that our answer was a most emphatic affirmative. And then from the broad standpoint of an Englishman who regards the army as a part of his Government, recognizes its necessity, and takes a personal pride in both its record and condition, he went on to speak of the evils of this same detachment service; and, with harrowing recollections of one camp or another, we sympathized with him. But when we informed him that our whole service of the line, with the exception of our regimental headquarters, which sometimes managed to secure a battalion, was of that class which he had so truly denominated as a bore, and that we had not a single regiment which was fortunate enough to be massed at a post, his exclamations of surprise were fluent.

"Why," said he, "that must strip military life in your country of most of its gaiety." And in his mind's eye as he said this, there were doubtless recollections of gay field days in old England or at Montreal; of regimental dinners and regimental plate; of just the picture which any of us can bring up by taking the Register and imagining all the owners of the names that belong to "ours" as being for once at one table or at one dress parade. As it is now, it wouldn't be considered as any remarkable display of ignorance in a lieutenant-colonel or major not to know that his place when his regiment is in line is (vide Upton)—we're really afraid to profess to tell where it is, seeing that they are never on hand. It's entirely out of the question to tell where the surgeon is, although his place is pretty clearly defined.

But, instead of the English system of massing troops for purposes of instruction (which is impossible on account of the people on the army question being mostly duplicates of that famous and intimate friend of Doesticks), we have hundreds of posts scattered from our Arctic possessions to the Florida reefs, all to be occupied and cared for by our diminutive Army, the troops and the officers living under every conceivable shelter—the tent and the casemate, the adobe hut and the log-cabin.

We all know what life at a small post means—at least those of us who are not so singularly blessed with sole-leather consciences as never to have felt that at least once in a decade we ought to perform a little duty with the command on whose rolls we are borne.

There are generally four or five fellows, all doubtless budding field-marshal or generals in embryo, who are endowed by nature with everything but an income, the paternal authors of whose being have decided that the service was certainly the place for their wayward genius to expand itself.

Said one old gentleman, who has a hopeful son in the Eighty-Sixth Foot: "When I got Fred his commission, I thought the life of excitement would just suit his temperament." "Where is he now?" said we. "Oh!" said he, "he's out in Arizona." "Poor Fred!" thought we, "what a miss you made of it if you expected excitement in Arizona." (N. B. Fred lived on one of the avenues and belonged to a club.) This quintette, shall we say, includes the officers of one garrison, whose duty it is to extract from labor its sweets, from their tactics its evolutions, and from their consciences a reward for their sacrificial devotion to their country's service.

Some things they are certain to do: 1st. The officer of the day is certain to see that beautiful event which we call the rising of the sun, especially if he has to attend stable call, and has a captain who is never known to be absent from the parade ground about that time. 2d. The other subalterns are equally certain never to witness the above event, except when circumstances beyond their control compel.

There is your studious sub, who reads Gibbon, Thiers, Hume, and Macaulay, and works over his text-books as if he was honing for the Ordnance. Detachment life doesn't bother him much.

There is the sentimental sub (generally a non-graduate, for the academical course seems to knock sentiment cold), who parts his hair in the middle, plays on the flute in the most wanton style, writes long letters to the different objects of his inconstant affections, reads Byron regardless of Mrs. Stowe, and in pensive melancholy lets the hours pass by. To him detachment life is endurable.

There is the married sub, who professes contentment while he looks unutterable woe; who doesn't read anything except the paymaster's check and the commissary bill; who comes early and often to bachelors' quarters to smoke long pipes of tobacco in peace—poor fellow! whose muffled tread is heard almost all night as he perambulates to and fro with the baby; and the burden of whose life is how to keep even. He is reconciled to anything. He has reached the climax of misery, and death itself has no terrors. Detachment life is just the thing in his case.

There is the sub who has always an anxious regard for his muscle; who believes in the lifting cure; whose principal outfit is a collection of dumb-bells, Indian clubs, and boxing gloves; who reads "Bell's Life," keeps the run of prize-fights, and is ashamed of the Harvards. He is happy anywhere that he can carry his set of training equipments.

But to an ordinary being how immeasurably deadening is life at an isolated station! Like poor Fred in Arizona, who, if his regiment was together, would be in his element, and would be all the while being shaped into a thoroughly learned and valuable officer, while now he is doubtless either turning recluse and smoking himself into a mummy, going to bed altogether too often in a muddled state of mind, or converting himself into a deer-slayer or a Gordon Cumming; chattering Apache or Piute with that voice which at the ball or opera once spoke with such softness to some fair partner; getting more bronze on his cheek and more fire in his eye, perhaps, but at the sacrifice of the grace of manner which once sat so well on him.

And all because the Vulgus would raise a ki-yi if we could only take a lesson from England's admirable army, and have camps of instruction. CAIUS.

March 1, 1870.

THE LATE CAPTAIN KENELM ROBBINS, U. S. A.

To the Editor of the Army and Navy Journal.

SIR: I have the honor to transmit enclosed a copy of a preamble and resolutions passed at a meeting of the officers of this city.

Captain Kenelm Robbins died at this post of Jackson yesterday. He had been a constant sufferer from severe wounds received at the battle of Winchester, and life has only been tolerable to him when his pain has been numbed by the use of medicines. This severe tax on his nervous system greatly prostrated his naturally strong constitution, and from an attack of inflammation of the brain—beginning eleven days before—on yesterday, the 28th of February, just as the work of reconstruction upon which he was engaged was completed, and as the State was being turned over by the military to the civil authorities, he very peacefully and quietly left his brother officers—many of whom were standing by his bedside—to try the realities of a better world.

Captain Robbins was born in Massachusetts in May, 1838; he was a member of the class at West Point which graduated in 1863; was appointed second lieutenant in the Fifth Cavalry, afterward a first lieutenant and adjutant in the Fifth Cavalry. He was severely wounded in the hip in the battle of Winchester on September 19, 1864, and when the Army was increased was promoted to a captaincy of the Forty-third Infantry, Veteran Reserve Corps. He was assigned to the command of the post of Fort Wilkins, Copper Harbor, Mich., where he remained till the consolidation, when he was assigned to reconstruction duty in Virginia, and afterward in this State (Mississippi). He has left a wife and child and a large circle of friends to mourn his loss. His remains have been embalmed and enclosed in a beautiful metallic burial case to be sent to Annapolis, Md., where they will be deposited.

WILLIAM J. DAWES,
First Lieutenant U. S. Army.

JACKSON, MISS., March 1, 1870.

At a meeting of the officers of the Army on duty at Jackson, Miss., held on the 1st day of March, 1870, on the occasion of the announcement of the death of Captain Kenelm Robbins, U. S. A. (unattached), late captain Forty-third U. S. Infantry, Veteran Reserve Corps, Brevet Colonel Blunt, Fourteenth Infantry, was chosen president, and Lieutenant Dawes was chosen secretary. The following preamble and resolutions were adopted:

Whereas, Our brother officer and dear friend has been removed from us by death, and his place in the Army vacated, it is eminently fitting that we should in this public manner prepare a lasting testimonial of our appreciation of his many virtues and the estimable qualities he exhibited; therefore,

Resolved, That as we sincerely mourn the loss of our departed comrade (Captain Robbins), we can truly say that we have separated from one who was ever kind and generous in his deportment, a friend in need to all his associates; and while suffering severely from wounds received in fighting for his country, his uncomplaining fortitude was a pattern worthy to be followed.

Resolved, That we extend to the bereaved relatives of Captain Robbins our heartfelt sympathy in their afflictions.

Resolved, That the secretary be requested to furnish a copy of these resolutions to the family of the deceased, and a copy for publication to the ARMY AND NAVY JOURNAL of New York.

M. M. BLUNT,
Brevet Colonel and Major Fourteenth Infantry, President.
WM. J. DAWES,
Lieutenant U. S. A., Secretary.

THE LOSS OF THE ONEIDA.

To the Editor of the Army and Navy Journal.

SIR: I find in the New York Evening Post of March 2 the following article on the *Oneida* calamity:

"A man bred to the sea, or familiar with its rules, must read the accounts of the sinking of an American man-of-war by a British merchant steamer with very mixed feelings."

If the reports received are correct, it would seem that two steamers were under weigh in frequented waters without a proper lookout; that in an American man-of-war, carrying a crew of over two hundred and fifty men, and cruising in foreign waters, but three small boats were found; and that one ship could run down and sink another without any one on the first ship being sufficiently conscious of the shock attending the collision to think it serious.

We read that the lookout on the *Oneida* did not see the *Bombay* till she was so close aboard that it was impossible to avoid her. This, for a man-of-war, would show gross and inexcusable neglect and lack of discipline.

We read that the *Bombay's* captain not only did not stop to help the vessel he had run down, but did not even report the accident when, a few hours later, he reached port.

The main points in the story which we have recited are incredible. The reports are evidently written in haste and under great excitement. We advise our readers to wait for further and more authentic news before they believe that discipline in an American man-of-war could be so low that no proper lookout was kept on board in a crowded sea; and that an English seaman could be so brutal as to run down a ship in the dark, and deliberately or carelessly leave her crew to drown.

But we may as well say, at this time, that it is not pleasant that an American man-of-war could be run down at all. That is a kind of accident which does not happen in a well-regulated navy.

Now, if a "man bred to the sea must," as expressed in the above article, "read the accounts of the loss of the *Oneida* with very mixed feelings," certainly the perusal of the article itself will be likely to arouse mixed feelings of disgust for the sentiments there expressed, and of contempt for the mind that at such a time could give them birth.

The implications of "gross and inexcusable neglect and lack of discipline" cast upon those poor fellows just gone down to their watery grave, are so serious that, were it not that the ignorance displayed by the writer both as to facts and nautical knowledge is so plain, I would argue them.

But I am not inclined to do more than to assert that every midshipman even knows that with the very best discipline and sharpest lookout, ships and steamers can and do collide under circumstances utterly without the control of either vessel.

I do not mean to discuss points of seamanship with the writer, but I do contest the right of any man in a Christian community to attack unscrupulously the fair fame of men who have gallantly served their country and now lie at the bottom of the ocean.

Let their record in the history of our country and their death at the post of duty shield their names from imputations as heartless as uncalled for.

A MAN BRED TO THE SEA.

THE BATTLE OF THE WASHITA.

To the Editor of the Army and Navy Journal.

SIR: Referring to the various comments of disinterested and knowing parties on the battle of the Washita, we would respectfully solicit the privilege of occupying a small corner of your valuable paper in order to make a few unvarnished statements relative to that memorable Indian engagement. To be as brief as possible, we would emphatically declare that the battle of the Washita was not a massacre of innocents, but a just punishment administered to a gang of the most diabolical murderers, marauders, and horse thieves of the Plains, alike dreaded by the white settlers and the peaceful Indians. Black Kettle's band was composed of such desperadoes, and the warriors thereof had been the heroes of many a scene of arson, pillage, rapine, and indiscriminate slaughter. The Cheyennes are well known to be the most expert in every species of villany, and skillful in devising means of torture by which to pander to the atrocious instincts of their savage nature, and we will graciously admit that the Dog Soldiers, embracing a large part of the aforementioned band, are the trumps of the Cheyennes. This incessant howl about massacres, etc., perpetrated by United States officers, is merely for the purpose of retaining in position a few humanitarians who have enriched themselves as agents for the noble red man. Whenever a victory is gained by our sacrificing soldiers, these men must attempt to imbue the mind of the public with the impression that the Indian has been terribly maltreated, and that the officers in command of our forces are members of the Council of Ten. Yet the venom of disappointed hopes; expressed in publications maligning our bravest and best men, will only react upon the source from whence it emanated. Our philanthropists and unsuccessful and happily retired Indian fighters are only stinging themselves to death, by stigmatizing efforts to protect the whites from the red man, and develop our western country, as massacres. Even those who carry the olive branch of peace to our appreciative brothers, fear to go into any region of the country occupied by the aborigines, save under the protection of a large military escort, to slander whom is their first office upon their return to civilization. Should this feeble communication prove not altogether objectionable, please insert and oblige, J. B.

FORT LEAVENWORTH, KANSAS, March 4, 1870.

On the 2d instant, there was introduced in the Senate an act amendatory of the act entitled "An Act to secure homesteads to actual settlers on the public domain." It provides that any person who shall have been in actual service in the military or naval service of the United States during the late civil war, and who shall have been honorably discharged therefrom, be relieved from the payment of the fee required by the several acts of which this act is amendatory; provided, however, that this shall not be construed to relieve the party from the payment of the commissions allowed to the local land officers under the homestead acts; and provided further, that the proof of such actual service shall be produced according to such instructions as may be given by the Commissioner of the General Land Office, with a view to give full effect to this act. This amendatory act passed the House of Representatives March 2, 1870.

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REFERENCES:

General Sherman, U. S. A., and lady, Washington, D. C.
Major-General George G. Meade, U. S. A., Philadelphia.
Brigadier-General Lawrence P. Graham, U. S. A., and lady, Austin, Texas.

Brigadier-General Innis N. Palmer, U. S. A., and lady, Omaha, Nebraska.
Vice-Admiral David Porter, U. S. N., Washington, D. C.
Rear-Admiral Joseph Smith, U. S. N., Washington, D. C.
Mrs. Admiral Dahlgren, Washington, D. C.

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A SECOND LIEUTENANT OF CAVALRY (White Regiment), on duty on the Plains, will transfer with any Second Lieutenant of Infantry on waiting orders or otherwise who will offer sufficient pecuniary inducements. Address at once J. C., at the office of this Journal, stating inducements, when and how to be paid, etc.

A FIRST LIEUTENANT OF ARTILLERY WILL transfer with any First Lieutenant on duty with his regiment or on waiting orders, if satisfactory inducements are offered. Address SATISFACTORY, care ARMY AND NAVY JOURNAL.

A SECOND LIEUTENANT OF INFANTRY (white regiment), serving with his regiment in the Department of the Platte, desires to transfer with a Second Lieutenant of Cavalry (white regiment). Satisfactory inducements offered. Address MARCH, 1867, care ARMY AND NAVY JOURNAL.

A CAPTAIN OF INFANTRY, SERVING WITH his regiment (colored) in the South, invites propositions for transfer with a Captain of Cavalry, white or colored regiment. Address DELTA, care of ARMY AND NAVY JOURNAL, New York.

A CAPTAIN OF INFANTRY, WITH RANK OF 1865, serving at a pleasant post, desires to transfer with a Captain of Cavalry of same rank. The regiment being one of the old Infantry regiments, an inducement for this transfer will be given. Address CAPTAIN OF INFANTRY, No. 20 North 10th St., Philadelphia, Pa.

A COURT of Inquiry whereof Brevet Brigadier-General H. B. Clitz, colonel Tenth U. S. Infantry, is President, and which convened at Fort Brown, Texas, on the 7th day of June, 1869, for the purpose of investigating certain charges to the prejudice of First Lieutenant Gregory Barrett, Jr., U. S. Army, late regimental quartermaster Twenty-sixth U. S. Infantry, in relation to alleged improper conduct in retaining a sum of money said to belong to one James Lockran, late a private of Company I, Twenty-sixth U. S. Infantry, has reported that the charges of improper conduct made against Lieutenant Barrett are wholly false and without foundation; and that they have evidently been invented for a malicious purpose—that of injuring Lieutenant Barrett's character as an officer and gentleman. The court regrets that owing to the discharge from the service of all the parties known as being immediately concerned in this case, it seems now impossible to trace the guilty party or parties, to the end that proper and merited punishment should be visited upon them; and in view of all the facts the court is of opinion that no further proceedings are necessary in this case.

A BILL introduced in the Senate places the name of Adrian S. Lee, late captain's orderly in the United States ship *Potomac*, upon the pension rolls of the United States, at the rate of eight dollars per month, from the date of passage of the act.

U. S. ARMY AND NAVY JOURNAL.

NEW YORK, SATURDAY, MARCH 12, 1870.

The Editor does not hold himself responsible for individual expressions of opinion in communications addressed to the JOURNAL.

The postage on the JOURNAL is twenty-five cents a year, payable quarterly, in advance, at the office where received.

Subscribers who purpose binding their volumes at the end of the year should be careful to preserve their files of the paper, as we no longer recotype the paper, and are not able, therefore, to supply all of the back numbers of this volume.

The subscription price of THE ARMY AND NAVY JOURNAL is SIX DOLLARS a year, or THREE DOLLARS for six months, invariably in advance. Remittances may be made in a Post-Office money order United States funds, or Quartermasters', Paymasters', or other drafts, which should be made payable to the order of the Proprietors, W. C. & F. P. CHUBB. Where none of these can be procured, send the money, but always in a registered letter. The registration fee has been reduced to fifteen cents, and the present registration system has been found by the postal authorities to be virtually an absolute protection against losses by mail. All postmasters are obliged to register letters whenever requested to do so.

THE PIEGANS AND THE PEACE MEN.

A CLASS of people in the country think it needful, apparently from some confusion in the association of ideas, to see all red men *couleur de rose*. To them, an Indian soldier in full war-dress is all their fancy ever painted—the Uncas of COOPER. They begin all argument where the cruel pale-face from across the sea robbed the Indian of his lands, and contend that nothing can wipe out that crime. They seem to regard the onward march of civilization as a continuation of that crime; and when we ask what our emigrants shall do, and how we shall protect our frontier population, they tell us that people have no business to go to regions infested by the Indians, and must run their risk if they do.

This is no fancy sketch, but one drawn from the life. We have ourselves heard this rebuke administered to the temerity of pioneers by persons conversing upon the Piegan slaughter. Touching this last matter, we do not propose to represent it as anything but a slaughter. All Indian fighting is necessarily of that sort. There it is rare that quarter is given or accepted. When Indians triumph over white men, the affair usually ends in a FETTERMAN massacre; when Indians conquer Indians, the result is such annihilation as the Sioux gave but the other day to the Crows; and when white men conquer red, the affair is likely to be that of BLACK KETTLE's village or the Piegan camp. The participants do not object to this. It is rough work, but the Indians set and follow up the example, and [our] only safety is to [better] their instructions. The Crows, the Sioux, the Blackfeet, and our soldiers know that fighting on the Plains is cruel and bloody work, whichever side wins. It is hard enough to run these chances of torture, of a warfare in which an Indian bullet is a welcome boon, so that it free one from hideous mutilation and slow anguish, without being tormented with a wordy fire in the rear from professional philanthropists.

We do not desire to speak with undue bitterness of the efforts of the latter, but it seems to us that white soldiers have rights as well as red, our friends as well as our foes. The troops had shown in a four years' contest with whites that they knew and respected the laws of [civilized] warfare; if they have been compelled to change their tactics now, let their four years' previous service show that it is the foe they fight with that forces the change. To a red man, fighting means killing; and capture, except for ransom or other gain, provokes his contempt and incites fresh hostilities. Philanthropists are quick to note and bewail the taking of an Indian camp; but when did one of them ever raise his voice in detestation of the burning of a settler's cabin, the torture of the father, the ravishing of the daughter, the tomahawking of the son, the impaling of the babe before the dying mother's eyes? There are two sides to the sentimentality of these scenes; and we protest that this constant attribution to the savages of all the graces and glories, and to the soldiers of all the blood and brutality of warfare, is an injustice and a wrong.

The circumstances under which the Piegan massacre took place are worthy of note. The account of its details given by Mr. VINCENT COLYER may be regarded as the most overdrawn and ex-

aggerated which is likely to come. The full official story must be awaited. Meanwhile, let us look at the events preceding. Throughout the summer and autumn of 1869, the depredations of the Blackfeet in Montana were so numerous as to fill the Territory with alarm. The Indian Commissioner, General PARKER, made special mention of them in his annual report. To attempt to chase the offenders in summer was idle: first, because, mounted on their swift ponies, and with food and forage abundant, they moved so quickly that following them was like hunting a needle in a haystack; and secondly, because our force is very small in Montana at all times, and was particularly small last summer, by reason of the expiration of enlistments. In this emergency, and with hands thus tied, our troops were forced to endure the Indian murdering and marauding. But they quietly forged the same sort of thunderbolt which CUSTER hurled so effectively at BLACK KETTLE's camp. General SHERIDAN has demonstrated that winter campaigning is the first and last secret of Indian fighting, and accordingly he proposed in October to defer operations till the middle of January, when the regiments would be recruited and the Indians would be helpless. He asked leave then, "about the time of a good heavy snow," to "send out a party and strike them." He added: "If the General-in-Chief thinks well of this, I will try and steal a small force on these tribes," and give them "a good hard blow, which will make peace a desirable object, instead of merely keeping the troops on the defensive." The permission was promptly given, and the expedition prepared. The result was the attack on RED HORN's camp and the destruction of the band.

The particulars, so far as known, of this affair, we have already given. We think it just to await Colonel BAKER's official report, which we shall soon have from Fort Ellis, and to offset, meanwhile, against Mr. COLYER's story the letter of General SHERIDAN. "Why did he not mention," says that officer, "that Colonel BAKER had captured over one hundred women and children? This he suppressed in order to do injustice to that officer by deceiving the kind-hearted public."

The comments with which Mr. COLYER and his school heighten this affair, as that it was "in the dead of winter," that the camp was helpless, that disease was prevalent, are also well meant but absurd. Would he chase Indians in summer, when they cannot be caught, and when, instead of our inflicting an easy loss on them, they inflict it on us? Let some of the tender philanthropists read the fiendish cruelties recounted by SHERIDAN as perpetrated on at least eight hundred men, women, and children during the past eight years, and tell us whether the blows delivered at the villages of BLACK KETTLE and RED HORN are anything more than a just, if terrible retribution. Let them put themselves in the place of the men in the saddle, and realize with them what fate is in reserve for the captured, before they condemn a policy which sternly declares to the Indian cutthroats, "With what measure ye mete, it shall be measured to you again."

THE emblematic house-builder in Scripture who began his building without counting the cost thereof, is matched in the Mormon affair by sundry of our Congressmen. The House Committee on Territories avowedly base their bill on the premise that BRIGHAM YOUNG will abandon polygamy without firing a shot. Is that premise justified by the facts? We cannot say that it is not; we certainly would not say that it is. It seems to us that the matter is doubtful, with authorities conflicting, and that the House [Committee, though never so hopeful and confident, is really taking its brave steps in the dark. The Omaha correspondent of a Chicago paper gives reasons for supposing that "the Mormons will resist as long and as best they can any roughly aggressive action on the part of the Government." The Salt Lake City correspondent of the same paper declares that "Young and his principal advisers may die, but they will not change." All this is but opinion, it is true; but it is all a question of opinion against opinion; and since the documentary evidence on the subject which the Committee have published is

simply the judgment of sundry people who live in Utah as to BRIGHAM's resisting power, there is no harm, and much good, in looking at both sides.

It must be distinctly understood that we do not deprecate any action which Congress or the country may choose to take regarding the uprooting of Mormon polygamy; only we desire to proceed undeceived, with eyes wide open, and prepared for the worst. So, too, we have not the slightest doubt that, if necessary, the Mormon valley could be made a Sahara for desolation; fire and sword could sweep it, the Mormon temple be left like that of Jerusalem, and Salt Lake City like a city of the Dead Sea. But this could hardly be done without bitter resistance.

The case may be likened to that of the Indians. Our overpowering force, which would tell instantly on cool, intelligent men, is nothing to the ignorant or fanatical, who fancy themselves superior, man for man, to all other living creatures. BRIGHAM cannot possibly muster over 10,000 fighting men; but when one fancies that he has supernatural agencies and miracles to aid him, that he fights with the direct subvention of Heaven, he never reckons a difference in numbers. Prove that BRIGHAM and his people are only cool hypocrites, and not fanatics, and we shall grant that there will be no resistance; but until that is proved, it is quite possible that the alternative they have proposed to themselves is fight or flight. In the one case, they will trouble our troops for a brief time; in the other, they will temporarily destroy our cross-continent transportation, tearing up the railroads and cutting the wires, in order to delay or baffle pursuit. They might fly to Arizona, or perhaps even to some Pacific island; indeed, this latter is a retreat which BRIGHAM, if not fanatically believing, with all his shrewdness, in his coming "kingdom of God in these United States," should long ago have prepared.

THE want of some system of storm signals, based upon scientific principles, has long been recognized by every person connected with commerce in this country; and the recent action of Congress in authorizing the Secretary of War to provide for the organization of such a system, will therefore be warmly approved by this important class of our citizens. While scientific men have been familiar for years with the fact that the violent storms which sweep periodically over our country invariably follow certain fixed laws, private enterprise alone has been insufficient to render this knowledge of practical value, owing to the vast size of the territory from which the necessary observations must be taken, and the great extent of seaboard and coast line to be protected, involving an expense beyond the means of any combination of citizens that could be formed for the development of a science yet in its infancy. England, ever alive to the importance of protecting her commerce, was the first nation to extend government aid for the systematic combination of meteorological observations with telegraphic and visual signals for this purpose, and her experiment has proved so successful that several other European powers have followed the example. Our own Government has been deterred from giving earlier attention to the subject by the pressure of the great rebellion, and by a reluctance to incur any additional expenditure of money at a time when retrenchment is the evident wish of the people. This last difficulty has fortunately been overcome by the suggestion of the Secretary of War, that the duty of making and reporting the observations which would form the foundation of any system of storm signals could be as well performed by officers of the Army as by a corps of civilian employees, and without interfering with their legitimate duties. In accordance with this suggestion, the joint resolution referred to has been passed, giving him the authority required; and we hope to be able to chronicle in an early issue the practical operation of the plan proposed. As a system of visual signals will be indispensable along our coast line to give warning of the approach of impending storms, the services of the Chief Signal Officer of the Army will necessarily be called into requisition; and, from his known experience and skill in all matters pertaining to

his department, we predict a successful result for that portion of the experiment. The distribution of military posts throughout the country renders it possible to make observations from Alaska to Florida; and if the officers charged with the duty will work in the right spirit and with a full appreciation of its importance, they will be enabled to offer another proof to the country that their usefulness is not limited to the brief periods of war.

THE Committee on Military Affairs has made no further report to the House respecting the traffic in cadetships. The only case before them where there is direct evidence of the payment of money to a Congressman for an appointment, is that of Hon. R. R. BUTLER, of Tennessee, who received \$900 from a claim agent, which he used in supporting political papers in his State during the campaign last year. According to Mr. BUTLER's statement, this money was not given him for the appointment, but was a present to him, made as an evidence of gratitude. He claims that it had no weight in influencing his action, which was chiefly due to the fact, as he says, that General SCHOFIELD, then Secretary of War, to whom he was under obligations on account of certain Tennessee railroad matters, urged him to make the appointment as a personal favor to him. General SCHOFIELD was summoned from St. Louis by the Committee, and testified that he had no recollection of the matter, and never recommended Mr. BUTLER to make the appointment. General TYLER, the father of the appointee, states that he never had any acquaintance with General SCHOFIELD, or asked him to interest himself in getting his son into the Military Academy.

WE have received several communications in regard to the table of the rank of the medical officers of the British navy which we published week before last, and republished again last week, to make a correction in it. One of these communications is signed by several line officers, who call our attention to the omission in the original publication, and state that the publication of the table "appears to have been made in the interest of the medical officers of our Navy." Another communication opens with the assertion that the JOURNAL has been "bought up by the line officers," and cites the publication of this table in proof. We leave these two charges to answer each other.

A GREAT poet and satirist describes a Revolutionary veteran, whose fortune it was, as a boy, to see "hot PERCY goad his slow artillery up the Concord road"—a tale which so grew on the teller's own fancy that he at length had seen the fight at Lexington itself, heard the drums beat double-quick, and "ere death came the lengthening tale to lop, himself had fired, and seen a red-coat drop." The poet proceeds to add:

"Had Joe lived long enough, that scrambling fight
Had squared more nearly to his sense of right;
And vanquished PERCY, to complete the tale,
Had hammered stone for life in Concord jail."

A similar process would be welcome regarding Bunker Hill in our national history. It, like Lexington and Bennington, was such a stout and manly affair that we cannot yield up any of its glory. We have gradually stolen away all we could of the British "so-called victory" at Bunker Hill; we have shown what barren honors were plucked by Howe at that point; we have dilated, as well we might, on the disparity of numbers and the matching of raw troops against regulars. But, after all, the awkward fact of the final retreat will come in. The ingenious Yankee who had been recounting the glories of the day to a British visitor, and who, on pausing at the usual point, was requested to go on, hit on a satisfactory explanation. "Well," he said, on being asked what happened next, "the truth is, after that, our folks couldn't seem to take any kind of interest." But a bolder historian of Bunker Hill seems to have come in the person of a gentleman who lately delivered an able address before the Historical Society of Brooklyn, and whose remarks upon Bunker Hill are thus reported in the local papers:

"An irregular but fatal fire was kept up continuously, and the King's troops were compelled to retreat. Howe, against advice, decided to renew the attack, but the same result attended it, and the battle was won by the colonists. This was a decisive battle, for it made the Declaration of Independence possible, and lifted high the hopes of the new-born nation."

We are not quite sure, unfortunately, whether the reporter or the historian is responsible for this happy issue of the battle; but one of the two has certainly taken that step regarding Bunker Hill which the poet's "JOE" was prevented by premature death from taking with regard to Lexington, and has "squared the scrambling fight" more nearly to his sense of right—a step for which we think the one or the other deserves the thanks of the universal Yankee nation.

IN answer to a resolution of the House of Representatives requesting the Secretary of the Navy to communicate to it his views as to the expediency of removing the Navy-yard at Brooklyn, N. Y., to another site, the Secretary responds, "that the Bureau of Yards and Docks, having in charge the subject of Navy-yards with their condition and improvement, recommends the removal of the Navy-yard from Brooklyn when practicable. Many experienced officers, whose attention has been devoted to the subject, have also expressed like views, and the Secretary of the Navy concurs in the opinion and recommendation, in view of the many evils and inconveniences surrounding Navy-yards in the midst of large cities, some of which are set forth in the last annual report, and which apply in various degrees to all Navy-yards in that situation."

A NUMBER of discharged soldiers who enlisted in the Regular Army before the breaking out of the rebellion, and served during the war, have held a meeting in Washington and petitioned Congress to be put on the same footing as to bounty with soldiers who enlisted during the war. Applications of this kind have been made to Congress every session for the past six or eight years. No attention has been paid to them heretofore, and it is not likely that Congress, in these times of economy and retrenchment, will be seized with any spasm of liberality that will cause the adoption of a new policy toward these soldiers.

AT a meeting of the Executive Committee of the Society of the Army of the Potomac, held in Philadelphia on Wednesday last, it was resolved, to have the oration and poem before the business meeting on the 9th of April. The banquet will be at 8 o'clock in the evening. Arrangements have been made by which the various railroads centering in Philadelphia will return to their homes free of charge members who pay full fare going. Details will be published hereafter.

THE President has selected the following named gentlemen as members of the Board of Visitors to attend the annual examination at the Naval Academy, in May next: Thomas Cadwalader, New Jersey; Stanley G. Trott, South Carolina; General W. F. Reynolds, U. S. A.; John R. Bartlett, Rhode Island; Moses Taylor, New York; Paul Dillingham, Wisconsin; Prof. H. B. Wilson, Minnesota.

WE are desired to say that Mr. C. W. Hassler, whose name is reported in the list of defaulting paymasters sent by the Secretary of the Navy to Congress, contends that the sum named as due by him to the United States is for various amounts which are still in dispute; that he is prepared to pay any indebtedness proved against him.

THE Senate has confirmed the nominations of William W. Woodhull and George L. Mead as paymasters in the Navy. A large list of Army and Navy appointments have not yet been acted upon by the Senate. They are chiefly transfers of unassigned officers of infantry to the cavalry or artillery, or regular promotions in the Navy.

THE naval constructors have a petition before Congress asking for some rank commensurate with their important services. What it ought to be they do not state.

A JOINT resolution introduced in the Senate gives officers of the Army detailed at literary institutions the same pay and allowances as though on active duty.

LEAVE of absence for thirty days was, March 4, granted First Lieutenant Thomas H. Fisher, Twenty-second Infantry, brevet captain U. S. Army, with permission to apply, through the proper channel, for an extension of sixty days.

SHERIDAN'S PECULIARITY.

(From the Ohio State Journal.)

ONE of the objections made to Sheridan as a warrior is, that he kills people. Another is, that he kills the Indian father at a time when his family needs him as a provider of food, and the innocent squaws and children suffer from this cruelty. We always did think Sheridan killed the enemy too much. Why can't you just shoot them a little, Phil, so as to not hurt them? Why do you want to go around making a graveyard of everybody that murders American citizens? Don't you know any way to carry on a war without killing people in this way? Suppose the poor Piegiens have taken a scalp or two, and dug the bowels out of a few live babies, and subjected a few women to the embraces of half a tribe of the most hellish ruffians that ever wore the human form, what has that to do with it? You ought not to blame the poor fellows. Indians always do that way. You should send missionaries to them. Send them a peace commissioner—send them the Cincinnati Gazette—send them a bald-headed Quaker that can't be scalped—send them—confound it—send them Mungen and his fiddle. We can spare him. It would do him good to go. It would do us good to have him go. The Indians would be glad to see him. Let him take Mrs. Cobb along. Let him take the whole female lobby from Washington. If they can't bring the Piegiens to repentance and to thinking of his latter end, nobody can.

And don't be so rash with your shooting any more. Don't you remember how you used Rosser in the Valley? He only wanted to come along down in the rear. He wasn't hurting you any. Yet what did you do to that young man? You went out with Custer and shot at him, and charged into him with your infernal cavalry, and made him git and git till his artillery wagons went so fast only one wheel touched the ground, and his horses were nearly tired to death. That's no way to treat a man. You should be polite and friendly to these Indians. Give them blankets and Spencer rifles and scalping knives; give them tobacco and meerschaum pipes, or Partaga cigars; give them the Agricultural Report and the Congressional Globe, and "Greeley's Recollections of a Busy Life," and other civilizing documents. Give them Lydia Thompson. Give them Lydia. Yes, by all means, give them L.

Mrs. J. H. Simpson, wife of Brevet Brigadier General Simpson, U. S. Engineers, and eldest daughter of the late Commodore Champlin, died suddenly at the residence occupied by her father in life, in Buffalo, N. Y., about midnight of February 24. The circumstances of this death are peculiarly distressing. The lady, with her husband, though she had but just risen from a sick-bed, had come from Baltimore to Buffalo, nerved by the filial desire to be present during the last earthly moments of her beloved parents, and assist in the final offices of devotion. Invalid as she was, on Wednesday afternoon she followed the remains of her father to Forest Lawn, witnessing the entire ceremony of interment. On her return, before reaching the gate of the cemetery, she uttered the remark, "When mother died, father stayed to see the burial complete," and was almost instantly struck with paralysis. Death followed in about seven hours, and in the mean time she was unconscious, not uttering a word. Truly, this family is sorely afflicted, and abundant faith is required for them to use the words, "It is the Lord; let him do what seemeth him good."

Mrs. Simpson was beloved by all who came within the sphere of her gentle womanly nature. One who knew her well writes as follows in the Buffalo Commercial:

"Mrs. Simpson had long been known in this community as a most amiable and estimable woman. In her youth she was beloved by the old, middle-aged, and the young. By the first, on account of her respect and attention to their wants; by the second, on account of her sweet affability and sincere affection; and by the last, on account of her quick sympathy and gentle caressings."

"Soon after her marriage—now more than thirty years since—she, with her husband, determined that, as for themselves and their house, they would serve the Lord, and testified the same by confirmation in St. Paul's Episcopal Church in this city; and not long after this they were followed by her mother, two of her sisters, and one of her brothers, in the same rite of confession before men."

"Her whole life since that period has been one of faith in the Lord, and acts of charity and beneficence; and many are the souls that will, doubtless, in the great day of accounts, rise up and call her blessed. She has always been a most loving and considerate wife, an affectionate and dutiful daughter, a warmly attached sister, and a sincere friend, and none can express the love, care and devotion she bestowed on her two adopted children. What pangs await them on hearing, in their distant homes, of the sudden decease of their fond and doting mother! And who can estimate the loss her husband, brothers, and sisters have sustained! But here come in the precious promises of the gospel, that 'He that overcometh will I grant to sit with me on my throne, even as I also overcame and am set down with my Father in His throne;' and this should, and doubtless will, console them."

The venerable mother-in-law of the late Commodore Champlin was lying at the point of death, and her departure hourly looked for, at the time of Mrs. Simpson's death.

MR. SHERMAN on the 4th introduced in the Senate a bill directing the Secretary of the Interior to increase the pension of Mary Louisa Garesche, widow of the late Lieutenant-Colonel Julius P. Garesche, to fifty dollars per month from Dec. 31, 1863, on which day Lieutenant-Colonel Garesche was killed at the battle of Stone River, Tennessee; such pension to be continued during her widowhood, and if that should terminate, then to be continued to the minor children of said Lieutenant-Colonel Garesche, until the youngest of them shall become sixteen years of age.

THE NATIONAL GUARD.

FIRST DIVISION PARADE GROUND.—The proposed location of these grounds apparently meets with the disapproval of the majority of the officers of the division. No less than five or six regiments have, we learn, refused to sign the petition circulated by the commandant of the division. The officers of the Third brigade have already forwarded a remonstrance against the location provided for in the bill, and the great cost it is proposed to incur. That the division requires grounds suitable for manœuvring on occasions of ceremony, and also to afford proper facilities for brigade drills, is beyond question; but it is equally evident that these grounds should be accessible as to location, and not obtained at a sacrifice of the good name of the members of the division. The bill, which calls for a first cost of \$4,000,000 and \$25,000 annually for keeping them in order, looks so much like a "job" on the part of Albany politicians, that the National Guard are very naturally anxious to escape responsibility for it. The members of the division, we infer, would rather be without such a parade ground than incur the odium of encouraging any scheme that has the appearance of an imposition on the public. They have already been compelled unjustly to bear the disgrace which belonged to politicians with itching palms, and they begin to feel that it is now time that they should escape such reflected dishonor. How is this sum of \$25,000 a year to be spent? Will it require such an amount of money to keep an open field in order? Will not four-fifths of the \$25,000 stick to the hands of the civil officials who will have charge of it? Let the division have its parade ground, for it needs it; but let us see that no cloud of dishonesty hangs over the field.

TWENTY-SECOND INFANTRY.—The wings of this regiment are directed to assemble at the armory for battalion drill, in fatigue uniform, as follows: Right wing (Companies D, G, A, B), on Tuesday, March 15; left wing (Companies C, H, E, I, F), on Tuesday, March 22. Assembly at 7:45 P. M. These drills, the orders state, being for instruction only, no persons, except officers of the regiment and members of the companies drilling, will be permitted in the galleries or drill-room during the hours of drill on the above-mentioned evenings. Rev. Wm. Neilson McVicker has been appointed chaplain, vice Booth, resigned. The following-named men having been expelled from their respective companies for habitual neglect of duty and non-payment of dues and fines, the action of such companies is approved and confirmed by the commandant of the regiment, and the members dishonorably dismissed from the regiment: Privates Charles H. Bales, Company A; Frederick Kobbe, L. Delmonico Longhe, George W. Mount, Charles Pearson, Melville Seudder, John H. Stead, and John J. Sugden, Company B; and Walter Worrell, Company C.

At its last regular meeting, Company G elected Colonels A. C. Eddy and Henry Allen honorary members of that company. Colonel Eddy is a well-known resident of Providence, and at his hands the members of Company G have received some substantial favors. Colonel Allen was formerly a resident of New York city, and during the war was in command of the Seventeenth Connecticut Volunteers, and was distinguished for services in the field. The honor seems worthily bestowed.

FIRST INFANTRY (HAWKINS ZOUAVES).—At an election in Company E, held on the 7th inst., Capt. J. C. Julius Langbein presiding, Corporal Wm. Mackey, of Company A, was unanimously elected first lieutenant. The newly elected officer is a veteran, having served honorably and faithfully during the war, and is considered a soldier in every respect. He will, no doubt, make a good and energetic officer. On the same evening Private John A. Wallace was unanimously elected first sergeant, and Corporal Frank Butler and Private Frank McKenna, sergeants. These are well-merited promotions, all of these gentlemen being veterans, and earnest, faithful, and energetic men. Captain Langbein, although the youngest captain in the regiment, is fast organizing a good company, which is rapidly recruiting. The captain, we should judge, is well liked by his men, and we learn it is his ambition to make Company E one of the best in the regiment. We wish him and his newly elected lieutenant and the company success in the undertaking.

NINTH INFANTRY.—At the last meeting of the Board of Officers held on the 2d, it was decided to give a promenade concert on Saturday evening, April 2, in order to introduce the new band which has just been organized under the leadership of Professor M. O'Brien. Professor O'Brien is well and favorably known to the National Guard, having lately resigned from the leadership of the Eighth regiment band. The new band will be increased to forty pieces. The regiment is hard at work to secure success for their first promenade concert. Tickets may be had at the principal music stores and of the officers and members of the Ninth, at 50 cents each, admitting one. The concert begins at 8 and continues until 11 o'clock P. M. Division drills have begun under the alternate command of Lieutenant-Colonel Baine and Major Seward. They have been so far well attended. The members are industriously striving to recruit their numbers, which have been somewhat affected by the expiration of terms of enlistment. The regiment has *esprit de corps*, vigor, and ambition, good auguries of prosperity. Great regret is expressed at the resignation of the colonel, Brevet Brigadier-General Wilcox. It is probable that Lieutenant-Colonel

Baine will be his successor. He is a thorough tactician, and an officer much esteemed in the regiment.

TWELFTH INFANTRY.—Company I of this regiment proposes to offer its friends what it terms a "calico hop" on the 24th inst., to be held at Apollo Hall, Broadway and Twenty-eighth street. Although calico takes the place of silk, selectness is thoroughly guaranteed. Tickets for the "hop" may be procured at the store of Captain John French, the commandant of the company, 92½ Bowery, and of the members of the company. The Twelfth is about negotiating for a new armory up-town.

TWENTY-FIFTH INFANTRY.—This fine organization, Colonel Friedlander commanding, located at Albany, seems to be in a healthy and flourishing condition, continually increasing in strength and discipline. On Washington's birthday the command made a fine parade, and on the same day was the recipient of an elegant stand of colors, the gift of the State. It paraded some 500 strong, appearing handsomely with new gray uniforms with black trimmings, black hats, and white pompons. On the same evening Companies F, G, and K held social gatherings.

A MILITARY FUNERAL.—At the recent funeral of Colonel L. Von Gilse, the former commander of the Forty-first regiment (De Kalb) U. S. Volunteers, the following composed the escort: The Fifth regiment band, under Drum-Major Berchet, led the escort, and was followed by Brevet Brigadier-General and Colonel Bendix and staff, commanding the Fifth regiment, and having command of the entire escort; Brigadier-General Burger and staff, Second brigade; "Separate Troop" of First brigade cavalry (dismounted); Captain Karl Klein, Independent Battery C, Captain Schilling; Fifth infantry, 350 strong (headed by its drum corps of 30), under the command of Captain and acting Colonel Bruer; "Veteran Association," 350 strong, under the command of Colonel Senges, U. S. Volunteers, followed by many German associations. The funeral cortege was very imposing. Companies F and K, of the Fifth, formed the guard of honor. The deceased was greatly esteemed and well known among our German citizens. The parade of the Fifth was slimmer than usual, on account of the shortness of the notice given.

FIFTH INFANTRY.—The fine drum corps of this command, Drum-Major C. Berchet, will hold one of its masquerade military and civic invitation balls at the Union Assembly Rooms, corner Grand and Elizabeth streets, on Monday evening next. The festivals of this corps are numerous during the year, and eagerly awaited. On the same evening the members and friends of Company C, Captain B. Hafnagel, gave a fancy dress ball at the New York Casino, 51 to 55 Houston street. The old Fifth, while continually practising the drill, never forgets the quadrille, and although without a full-dress uniform is uniformly in favor of full and fancy dress reunions. The regiment, on the 3d inst., took a very active part in the obsequies of Colonel L. Von Gilse, late commander of the Forty-first regiment U. S. Volunteers. An election for the office of major, made vacant by the resignation of Major Smith, the recently appointed judge-advocate on the Second brigade staff, will take place at the regimental armory on the 18th inst.

THIRTY-SEVENTH INFANTRY.—The bill of dress adopted by this regiment having been approved at general headquarters, commandants of companies are directed to take immediate steps to have every member of their commands uniformed at once in conformity therewith. Battalion drills, by division, are ordered in this regiment as follows: Companies B and K, Fridays, March 11, 18, 25, and April 1; Companies A and H, Tuesdays, March 15, 22, 29, and April 5; Companies D, E, and G, Wednesdays, March 16, 23, 30, and April 6. Roll-call of companies at 8 o'clock P. M. Commandants of companies are requested by the commandant to forward to the acting adjutant at these headquarters a consolidated return of all delinquents from this series of drills, on or before April 15. The following resignations have been accepted by the Command-in-Chief: Captain John Fullagar, January 21; Lieutenant Charles Hall, January 26; Lieutenant John H. Cole, January 26; Lieutenant Albert Burnton, January 26; Lieutenant Hamlet Hart, January 29; Lieutenant-Colonel George M. Daseberry, February 23. The following-named persons, having served in this regiment the full term of service required by law, are honorably discharged: Joshua S. Jones, Company E; John M. Beers, Company E; George P. Frankhard, Company E; George W. Parsons, Company E; Peter B. Conklin, Company E; Thomas Forsyth, Company E; James H. Farless, Company G; Samuel Walker, Company D.

THIRTEENTH INFANTRY.—The field officers, and officers, non-commissioned officers, and privates, of the several companies of this command, are directed to assemble, in fatigue uniform, at regimental headquarters, for battalion drill, as follows, viz.: Companies D, B, and F, on Monday, March 14; Companies A, G, and I, on Wednesday, March 16; Companies H, C, and K, on Thursday, March 17—all at 8 o'clock P. M. The field officers, adjutant, sergeant-major, color sergeant, general guides, markers, and Companies B, C, F, I, and K, composing the right wing, are ordered to assemble, in fatigue uniform, for drill and instruction, at the State Arsenal, Portland avenue, on Thursday, March 24, and Monday, April 4, at 8 o'clock P. M. Companies G, A, E, D, and H, composing the left wing, will assemble, in fatigue uniform, for the same purpose, and place, on Wednesday, March 30, and Friday, April 15, at 8 o'clock P. M. The above drills being solely for purposes of instruction, spectators will not be admitted to the drill-room. All commissioned officers, non-commissioned

staff officers, sergeants, and a detail of eight files from each company in this command, will assemble for drill, in full-dress uniform, at the State Arsenal, Portland avenue, on Wednesday, April 20, at 8 o'clock P. M. The following promotions, appointments, and discharges are hereby announced for the information of this command: Promoted—First Lieutenant T. M. Hempstead to be captain, vice Baldon, resigned; Second Lieutenant L. L. Laidlaw to be first lieutenant, vice Hempstead, promoted; Sergeant George W. Kempton to be second lieutenant, vice Laidlaw, promoted; First Lieutenant William Barnett to be captain, vice Daniell, promoted; First Sergeant John W. Hunter to be first lieutenant, vice Barnett, promoted; First Lieutenant Thomas Dean to be captain by brevet, to date from December 16, 1869. Appointed—Sergeant Samuel Waller, Company C, to be hospital steward, vice Ripley, removed from the State. Honorably discharged—Henry A. Moors, William H. Demott, John W. Evans, Jas. Darling, John C. Phillips, Joseph F. Muchmore, Company I, and Joseph Quick, Company F.

LETTER OF INQUIRY.—We have received the following letter from the adjutant of the Sixth Infantry, who takes objection to some of our criticisms in a late number of the JOURNAL:

NEW YORK, March 1, 1870.

To the Editor of the Army and Navy Journal.

SIR: In your paper of last week (February 26), after publishing the order of Colonel Mason, of the Sixth regiment, you added, "Adjutant Shenfield will have to improve in the arrangement of his orders if he wishes to receive credit and conform to the regulation."

As I am anxious to "conform to the regulation," and do not expect to "receive credit" unless I do, will you please show in your next paper wherein the order alluded to does not conform to the regulation? Again, under the head of "Various Items," you say, "As for instance a line officer breveted major is guilty of the error of wearing a double-breasted coat, or a colonel breveted brigadier-general the uniform of the latter." Are not colonels and brigadier-generals line officers? If they are, whom did you mean when you spoke of a "line officer being breveted major"? I can readily see how a company officer might be breveted major, but do not understand the process of brevetting colonels or brigadier-generals to that rank. Another thing: Under the heading of "Other States—Massachusetts First Regiment," in speaking of irregularities, you say, "At the dress parade the officers of Company C did not advance four paces to the front at the command 'Open order.'" Should they have done so? Colonel Mason instructs the company officers of the Sixth regiment not to advance four paces to the front at the command "Rear open order," but to do so at the next command, "March." Who is right, you or Colonel Mason? Respectfully yours, etc.,

ABRAHAM SHENFIELD,
Adjutant Sixth regiment, N. G. S. N. Y.

1. The General Orders we referred to were typographically in bad taste, and in the arrangement contrary to the custom of the service. The great black heading, "Regimental Drills," was entirely superfluous; the days and dates on which the drills were to occur were also made prominent in the same style of type. 2. Officers were ordered to appear "in fatigue uniform, non-commissioned officers and privates in fatigue caps and frock coats." We suggested the propriety of including trousers also, as an indispensable (though perhaps to polite ears unmentionable) portion of a soldier's uniform. 3. The appending at the end of the regimental orders of blank company orders has fallen into disuse, and is unnecessary, as the orders reach every member of the regiment and therefore need no special promulgation. 4. Our correspondent has read our paragraph very carelessly. Colonels and brigadier-generals, not of the general staff or the staff corps, are certainly line officers, and we neither said nor left to be inferred anything to the contrary. He had better read the item over again calmly. 5. The command undoubtedly is "Rear open order, MARCH," but as we referred to it there was no necessity for giving the full command so long as we indicated sufficiently our point for criticism. In conclusion, we are always glad to receive the inquiries of officers, and to explain the ground of our criticisms.

FIFTY-FIFTH INFANTRY.—In accordance with a previous announcement in these columns, the commissioned officers of this command will hold their first annual reunion at Irving Hall on Tuesday evening next, the 15th inst. The handsome cards of invitation are now out, and the promise is that the reunion will be a very attractive one. We observe that a wise contemporary, speaking of this regiment, puts the following conundrum: "How about the new armory?" The answer is that the Fifty-fifth has been in its new armory (the one formerly used by the now disbanded Second Infantry) for at least one month, and is therefore quartered comfortably for the first time since its organization. Colonel Allen and the officers of the regiment are constantly working for its welfare, and it now stands very prominent among the regiments of the division.

SECOND BRIGADE, FIRST DIVISION.—Brigadier-General Louis Burger, the commandant of this brigade, announces that so much of General Orders No. 9, series of 1869, dated December 29, 1869, as directs the field and staff officers of this brigade, and the brigade staff officers, to assemble on the first and third Wednesdays of each month, at the armory of the Fifth regiment N. G. S. N. Y., is countermanded. The next meeting of the said officers will be held on Wednesday, March 23, at 8 o'clock P. M., at the Fifth regiment armory. The following resignations of brigade staff officers are announced, having been honorably discharged by his Excellency the Commander-in-Chief: Brevet Lieutenant-Colonel P. J. Joachimsen, judge-advocate; Major J. M. C. Frolich, assistant adjutant-general; Captain H. P. Bauer, quartermaster; Captain Carl Marquardt, commissary of subsistence. The commandant of this brigade expresses his sincere apprecia-

tion of the valuable services rendered by these officers in the discharge of their respective duties as staff officers of the brigade. The following appointments in the brigade staff have been made, and the officers duly commissioned by the Commander-in-Chief: Major John A. Godfrey, assistant adjutant-general and chief of staff, in place of J. M. C. Frolich, resigned; Major William C. Dickel, inspector, in place of John A. Godfrey, promoted.

FOURTEENTH INFANTRY.—We are called on to announce the death of one of this regiment's most efficient officers, Lieutenant-Colonel H. T. Head, who died at the residence of his father-in-law on Sunday morning last. Colonel Head, with his brother, became attached to Company D, Fourteenth regiment, at an early period of its organization, was promoted to the position of sergeant-major, and his brother to that of color-sergeant, which positions they respectively held at the opening of the Rebellion, and marched with the regiment to the seat of war. Frank lost his life while bearing the regimental colors at the first battle of Bull Run. Immediately after this battle, the position of adjutant having become vacant, Sergeant-Major Head, for his gallant action on the field, and general ability, was promoted to that position. He participated in every engagement and affair in which the regiment took part, as follows: Bull Run, Burns Hill, Falmouth, Spottsylvania Court-house, August, 1862, Rappahannock Station, Sulphur Springs, Groveton, Manassas Plains, Chantilly, South Mountain, Antietam, Fredericksburg, Port Royal, Fitchburg Crossing, Chancellorville, Seminary Hill, Gettysburg, Mine Run, Wilderness, Laurel Hill, Spottsylvania Court-house. Soon after the battle of Gettysburg he was promoted to the majority, which position he held till mustered out of service. After the return of the regiment he remained in the State service, and in August, 1869, was elected lieutenant-colonel, which rank he held at the time of his death.

Colonel De Boeize, the regimental commander, in General Orders announcing the death, says:

Lieutenant-Colonel Henry T. Head is dead. It is with feelings of profound sorrow and regret that this announcement is made. Having been connected with this regiment almost since its organization, sharing its fortunes at home and its dangers in the field in every engagement in which it participated, serving in every capacity with distinguished ability and zeal, securing for himself by his gallant conduct, faithful and prompt performance of duty, the unqualified confidence of his superior officers and all with whom he was brought in contact in whatever position he was called to fill, the loss of his services to this command will be severely felt. But we can point with feelings of pride to the enviable record he has made. A brave soldier, a fond husband, a loving father, Christian gentleman, and faithful friend, nothing can be said to add to his virtues.

The regiment assembled, fully armed and equipped, at the city armory, on Wednesday last, at 12:30 o'clock P. M., for the purpose of performing escort duty at the funeral of its deceased officer and comrade. Officers of the Second division, ex-officers of the regiment, and veterans participated in the obsequies, which were of a very solemn character.

SIXTH INFANTRY.—So much of General Orders No. 11, series of 1869, as relates to division drills in this command is countermanded. Wing drills are ordered as follows in the regiment: Companies C, F, B, and A, March 23 and April 6; Companies I, H, K, and D, Tuesday, March 22, and Friday, April 1, at the armory, at 8 o'clock P. M. So much of Special Orders No. 4, current series, as directs the field and staff officers to assemble on the first and third Wednesdays, is countermanded. The next meeting of the officers will be held on Wednesday, the 23d inst., at 8 o'clock P. M., at the Fifth regiment armory. Charles Ehle has been elected first lieutenant of Company I, vice Eldenwell, resigned, and will be obeyed and respected accordingly.

(Improvement is noticeable in the orders announcing the above.)

TWENTY-THIRD INFANTRY.—The field and line officers, first sergeants, sergeants, and a detail of eight files from each company of this regiment are directed to assemble at the State Arsenal, Portland avenue, Brooklyn (in fatigue uniform, including cross-belts), on Friday evening, March 25, at 8 o'clock, for drill and instruction. The drum-major will detail two drummers for each of the above evenings. Lieutenant-Colonel Farnham will assume command and act as instructor. The following is republished from General Orders No. 3, series 1869, from these headquarters: Commandants of companies will in future allow no recruits in the ranks at drills or parades of this regiment until they shall have passed an examination at headquarters. Whenever they consider any recruits qualified to parade, they will direct them to report at these headquarters any Monday evening thereafter.

The commandant further states in orders that "the delay in the formation of some of the companies at the weekly drills is detrimental to good discipline. In future the senior officer or non-commissioned officer present will see that the order to 'Fall in' is given promptly at 8 o'clock." Brevet Captain J. G. Gregory is relieved from duty as a member of the Examining Board for non-commissioned officers. The following officers are detailed as additional members of the same: First Lieutenant Wm. H. Bourdette, First Lieutenant William S. Leaman, Second Lieutenant Edward N. Norton. The board will convene at these headquarters every Monday evening hereafter, and as much oftener as they shall deem best. Any two members will constitute a quorum. Second Lieutenant Charles E. Truslow has been elected captain, vice Graff, resigned; rank from January 12, 1870.

The following men having been expelled by a vote of their companies, the same is approved by the colonel com-

manding: John C. Topping, Company C, February 14; James M. Anthony, Company B, February 2; Frederick C. Aechternacht, Company F, February 1; William Cotton, Company I, February 1; Henry W. Howe, Company I, February 1; Frank Deechan, Company I, February 1; John E. Donnelly, Company I, February 1; Clifford Saville, Company I, February 1—all for habitual neglect of duty and non-payment of fines and dues.

ELEVENTH INFANTRY.—The several companies of the left wing of this regiment are directed to assemble in fatigue dress, gray trousers, white gloves, and side arms, at the State Arsenal, corner of Seventh avenue and Thirty-fifth street, for drill on the 17th inst. Company roll call at 7:30. Line forms at 7:5 P. M.

The several companies of this regiment are directed to assemble at the regimental armory, in fatigue dress, for division drill, as follows: Companies E and F, on Thursday, the 10th inst.; Companies C and G, on Friday, the 11th inst.; Companies B and K, on Monday, the 14th inst.; Companies H and I, on Monday, the 21st inst.; Companies A and D, on Wednesday, 23d inst.—all at 8 o'clock P. M. Line formed at 7:45 o'clock P. M. on each occasion. First, Third, and Fifth divisions will be under the supervision of Lieutenant-Colonel F. Unbekant; Second and Fourth divisions will be under the supervision of Major J. Boekell.

(The arrangement of these orders has not improved any.)

On the evening of the 3d inst., Company E, Captain Wm. R. Oberman commanding, held its seventh annual military, civic, and fancy dress ball at Harmony Rooms, Essex street. The gathering was characterized by the utmost sociability and was largely attended. The officers and members extended, as usual, a generous hospitality, and the affair was of the utmost success throughout.

SEVENTY-FIRST INFANTRY.—The Non-commissioned Officers' Association of this regiment have issued a circular, which reads as follows:

The non-commissioned officers of the Seventy-first regiment, N. G., having organized themselves into an association for the promotion of sociability, mutual benefit, and the general welfare of the regiment at large, and being desirous that all members of the Seventy-first regiment who have received an honorable discharge, and in past years have been identified with the regiment as non-commissioned officers, may renew their former associations and become acquainted with its present line of non-commissioned officers, I would respectfully state that to all such the full privileges of membership are offered; also all officers who now hold commissions in said regiment and who at any previous period have been non-commissioned officers, are eligible to honorary membership, and by payment of all regular dues and assessments entitled to full privileges of membership.

That its object may be the more fully understood, special attention is called to the following extracts from the By-Laws, as adopted February 16, 1870:

"ARTICLE II, SEC. 2.—In the event of the decease of a member, who shall at the time of his death be a member in good standing, an assessment of one dollar shall be levied upon each and every member, and the total sum of such assessment shall be paid to the family of such deceased member within thirty days after his death, or in the event of his having no family, to his legal heirs, unless otherwise directed by will of said member."

"ARTICLE VII, SEC. 1.—This association shall, during the winter season, give at least one reunion or sociable, and during the summer season, if a majority of the members shall so elect, make an excursion; all details and arrangements for the same to be decided at one of its regular meetings, or a special meeting called for that purpose."

The next regular meeting of the association will be held at the armory, 118 West Thirty-second street, on Monday evening, March 14, at 8 o'clock, and regular monthly meetings thereafter on the second Monday evening of each and every month. All who are entitled, and desirous of availing themselves of membership, are cordially invited to attend the above meetings.

Trusting this invitation will meet with a hearty response, I remain yours respectfully,

JOHN Z. WESTERVELT, Jr.,
President and Regimental Quartermaster-Sergeant.

Company B, Captain Benjamin commanding, on Tuesday evening next will offer a grand vocal and instrumental concert, in connection with a two-act domestic drama by the Amateur Dramatic Association of the regiment. Lieutenant Stephen Curtis, Jr., Sergeant Robert S. Orson, and Private Peter Eagan, Jr., compose the committee on entertainment.

IMPORTANT NATIONAL GUARD CASE.—William Sinclair, Jr., a member of Company F, Seventy-first regiment, was arrested and imprisoned for non-payment of a fine imposed by sentence of a court-martial. He was brought before Judge Ingraham, Supreme Court, Chambers, on Monday last, on a writ of *habeas corpus*, and the counsel for both sides submitted the written points for the judge's decision, which, it is expected, will be given in the course of a week. Meanwhile the prisoner is on parole. This is a case which directly affects the discipline of the whole National Guard, and is therefore of great importance as a precedent. Mr. S. L. H. Ward, Jr., the counsel for the petitioner, asked a discharge of the prisoner on the ground that there was no law authorizing the body of a delinquent militiaman to be taken for the non-payment of fines. The law of 1862 provides that "every such marshal, sheriff, or constable, to whom any such list and warrant shall be directed and delivered, may execute the same by levying and collecting the fines, or by taking the body of the delinquent in any city, town, or county in the State." In 1865 the section was amended by striking out the words, "or by taking the body of the delinquent," etc., and by the repeal of the whole section authorizing the jailer to receive such delinquent, and no provision has been substituted; so that, counsel argued, the Legislature did not intend to authorize arrest, but only that the law should be enforced by simply taking the goods of the delinquent.

It was further claimed that in any event such arrest of a delinquent was unconstitutional, in that it deprived him of his

liberty without trial by jury, because there was no such penalty for non-payment of fines when the present Constitution was adopted, which says that "the trial by jury in all cases in which it has been heretofore used, shall remain inviolable forever." It was further argued that the provision was unconstitutional, because it deprived a man of his liberty without due process of law, which a court-martial is not.

Major G. R. Schieffelin, First brigade judge-advocate, contended that the imprisonment was authorized by the law of 1862, the provision of which, struck out in 1865, was restored in 1866, and that such imprisonment was not unconstitutional. The State Constitution provides that "the militia of this State shall at all times hereafter be armed and disciplined and ready for service." From the provision contained in sec. 96 of article 1 of the Constitution, declaring that no person shall be held to answer for crime unless upon presentment or indictment of a grand jury, there are expressly excepted cases arising in the militia which the State may keep, with the consent of Congress, in time of peace. The National Guard is organized and disciplined with the consent of Congress. All the powers of legislation necessary to give full effect to the requirement that the militia shall at all times be armed and disciplined and ready for service, are conferred upon the Legislature.

The further provision in the bill of rights of the State Constitution for trial by jury in all cases where it has heretofore been used, and declaring that no person shall be deprived of life, liberty, or property without due process of law, are inapplicable to the police regulations and laws passed to give effect to the mandate of the Constitution, that the militia shall be disciplined, armed, and ready for service. The exception of cases arising in the militia is contained in the same article in which these provisions are found, and in the same section in which is contained the injunction that no person shall be deprived of life, liberty, or property without due process of law.

A fine for a military delinquency is imposed, and imprisonment for its non-payment is inflicted by due process of law, by the judgment of a court-martial, if the laws are constitutional which create the court, and confer upon it such jurisdiction.

SEVENTH INFANTRY.—On Monday evening last, the left wing assembled for drill and instruction. Colonel Clark was in command, and was assisted by Lieutenant-Colonel Haws and Adjutant Fitzgerald. The battalion, which was composed of companies A, D, I, B, and E, was divided into ten commands of ten files front, and the usual battalion movements admitted of by the space of the room were executed with a precision and correctness seldom witnessed in any National Guard organization, but usual in the Seventh. As it was the first battalion drill of this wing this season, errors might have been expected, but they were few and so minor as to be scarcely noticeable. After the battalion movements came the loadings and firings, which were exceedingly well performed. We observe that the Seventh, like some other regiments, still follows the old custom of keeping the color guard at a "carry" during the firings, instead of its acting with the color company, of which it is a part. This is a portion of Scott's tactics, and was designed to show that the colors should always be under the protection of the guard, and not be considered as part of the color company. In a private communication from General Upton to one of the officers of the Seventh, however, he decides that the color guard shall, on these occasions, act with the color company. We would suggest that inspection of arms precede these drills to prevent accidents which might possibly occur from thoughtlessness of members. It will be remembered that this regiment, some years ago, suffered from a loaded cartridge being carelessly inserted in a musket by one of the members.

FORTY-SEVENTH INFANTRY.—This regiment held wing drills at the regimental armory on Tuesday and Thursday evenings last. The armory was open for spectators, and the drills were exceedingly fair. Company E, Captain Cornell, will hold its annual promenade concert and hop at the regimental armory on the 16th inst. The cards of invitation are very handsome, and the social gatherings of this company are remarkable in character.

FIRST CAVALRY.—The majority of the officers of this regiment have petitioned Major Madden, of this command, to resign. We would advise that the dissension existing among the officers of the regiment cease, for its continual agitation will eventually affect the discipline of the command. On the 21st inst. the third annual ball of the regiment will occur at the National Assembly Rooms, 334 to 344 West Forty-fourth street.

CHARGES AND SPECIFICATIONS EXTRAORDINARY.—Colonel and Brevet Brigadier-General John E. Bendix, commanding the Fifth Infantry N. G. S. N. Y., has preferred charges and specifications against Major-General Shaler, the First division commander. The first charge is "ignorance of duty," with four specifications thereunder; and the second charge "neglect of duty," with fifteen specifications. A copy of these charges and specifications has been forwarded to the general and field officers of the division, and to the Commander-in-Chief.

VARIOUS ITEMS.

The second annual invitation ball of Troop G, Third Cavalry, Captain John W. Haaren commanding, held on the 3d inst. at the National Assembly Rooms, was a very largely attended and fine social gathering. The officers of the Ninety-sixth Infantry on the 2d inst. held a pleasant reunion at the "Walkhalla," Orchard street. The reunion closed with a dance, which was kept up until a late hour. On the 25th ult. Adj. Loerer, of the Twenty-fifth Infantry, was presented with a handsome full-dress uniform by the field and staff of the regiment. Colonel Friedlander made the presentation, and the affair has brought out much sociability and good feeling. It is rumored that the command of the Ninth Infantry is to be offered to a late staff officer of the Seventh, in case of the non-acceptance of the office by either of the present field officers of the regiment. Is it necessary for the

old Ninth to look outside for a colonel?.....Captain H. T. Bauer, quartermaster of the Second brigade, has resigned. For the past year and a half he has been acting assistant adjutant-general, filling the position with credit to himself and the brigade. We learn he has been offered the position of adjutant of a German infantry regiment in the division. We understand that some of the officers of the Twelfth Infantry are about organizing a dramatic association. Several officers interested have been connected with other associations of the kind in the city. We learn that Company E of the Twelfth, at its exhibition drill to be given at the State Arsenal on the 13th of April next, will not be allowed to execute the "double time," which has always been a specialty with the company. We supposed that the arsenal had been declared safe, but from this it would appear that it is still feeble. We get very little news from some of our regiments this season. From the Fifth we receive no regimental orders. Who is to blame?.....Mr. George Slater, at Tiffany & Co.'s, has just completed a beautiful and strikingly correct statuette of a soldier in the full-dress uniform of the Twelfth Infantry. The soldier is represented as standing in the position of "rest," with his right hand sustaining the musket and the thumb of the left hand resting naturally in the body-belt, the whole effect being easy and natural. The same artist, it will be recollected, some time since modelled a similar statuette for the Seventh. A large number of members of the Twelfth have subscribed for copies of the statuette. It is Mr. Slater's intention to model a soldier in the fatigue (chasseur) uniform of the regiment, as a companion to that in full dress just completed. Mr. W. R. Howell, photographer, 367 and 369 Broadway, has in preparation a large life-size photographic group of the officers of the Seventy-first Infantry in full-dress uniform; when finished it is to be hung in the Board of Officers' room, at the regimental armory. We learn that there are, at present, seventeen members of the First division in Ludlow street jail, imprisoned for non-payment of fines and dues. Marshal Leubuscher, who has control of a number of regiments of the division, is one of the most active and faithful marshals we have had for a number of years. If men join the National Guard merely for novelty, and afterward neglect to perform their duties, they must expect to pay the penalty. When valid excuses are rendered, and members absent themselves through sickness, etc., very little difficulty is experienced in having fines reduced or cancelled. Members who have for a long time been receiving the benefits, neglecting the duties, and openly defying the laws, should and are made to suffer the consequences. We learn with regret of the continued illness of Brigadier-General Seebach, the commissary of subsistence on the Governor's staff. We wish him a speedy return to health.

CHANGES IN THE NATIONAL GUARD.

GENERAL HEADQUARTERS STATE OF NEW YORK,
ADJUTANT-GENERAL'S OFFICE, ALBANY, March 1, 1870.
The following-named officers have been commissioned by the Commander-in-Chief in the N. G. S. N. Y. during the month of February, 1870:

CAVALRY BRIGADE.

Robert Woodward Leonard, assistant adjutant-general, with rank from January 26, 1870, vice F. S. Heiser, resigned.
Andrew Barstow, brigade inspector, with rank from January 26, 1870, vice R. W. Leonard, promoted.
Richard M. Tweed, brigade engineer, with rank from January 26, 1870, vice A. Barstow, appointed inspector.

FIRST BRIGADE.

James L. Anthony, assistant adjutant-general, with rank from February 1, 1870, vice James E. Montgomery, resigned.

SECOND BRIGADE.

John A. Godfrey, assistant adjutant-general, with rank from January 28, 1870, vice J. M. C. Frohlich, resigned.
William C. Dickel, brigade inspector, with rank from January 28, 1870, vice J. A. Godfrey, promoted.
Philip F. Smith, judge-advocate, with rank from February 15, 1870, vice J. P. Joachimsen, resigned.

THIRD BRIGADE.

Abner Mellen, Jr., engineer, with rank from February 7, 1870, vice Samuel Gregory, resigned.
Joshua M. Varian, Jr., aide-de-camp, with rank from February 7, 1870, vice J. M. Varian, Jr., resigned.

FIFTH BRIGADE.

Gerard M. Stevens, judge-advocate, with rank from February 1, 1870, vice Cornelius H. Murphy, deceased.

FIRST REGIMENT OF CAVALRY.

Rudolph J. Rohdenburg, captain, with rank from January 13, 1870, vice Francis Reiss, resigned.
Christian Hachemeister, first lieutenant, with rank from January 13, 1870, vice Fredk. Beninger, resigned.
Jacob Kohn, second lieutenant, with rank from January 13, 1870, vice Christian Hachemeister, promoted.

FIRST REGIMENT OF INFANTRY.

Charles W. Terrette, first lieutenant, with rank from October 28, 1869, vice M. B. Spaulding, appointed adjutant.
John Lechtricker, second lieutenant, with rank from October 28, 1869, vice C. W. Terrette, promoted.

FIFTH REGIMENT OF INFANTRY.

Christian Schott, second lieutenant, with rank from December 13, 1869, vice B. Euler, resigned.
Christian Ellert, first lieutenant, with rank from January 24, 1870, vice Marcus Martens, term expired.

SIXTH REGIMENT OF INFANTRY.

Frank W. Sterry, lieutenant-colonel, with rank from January 13, 1870, vice Carl Schwarz, resigned.
William Hesse, captain, with rank from January 19, 1870, vice Christian F. Koch, resigned.
Frederick Schoen, captain, with rank from January 26, 1870, vice George Hubschmann, resigned.

Charles Reichel, first lieutenant, with rank from January 26, 1870, vice Frederick Schoen, promoted.
Maurice A. Lasser, first lieutenant, with rank from February 1, 1870, vice Abraham Shenfield, promoted.

EIGHTH REGIMENT OF INFANTRY.

John Kennedy, Jr., first lieutenant, with rank from December 16, 1869, vice Henry Miller, promoted.
John P. Leslie, captain, with rank from December 21, 1869, vice John H. Heethote, resigned.

Richard S. Leslie, first lieutenant, with rank from December 21, 1869, vice J. P. Leslie, promoted.

TENTH REGIMENT OF INFANTRY.

Matthew A. Craven, first lieutenant, with rank from January 18, 1870, vice Edward F. Reilly, resigned.

TWELFTH REGIMENT OF INFANTRY.

John E. Walker, second lieutenant, with rank from January 4, 1870, vice E. S. Conkling, resigned.
Charles L. Burns, second lieutenant, with rank from January 5, 1870, vice Morris Duckworth, promoted.
Thomas Carroll, second lieutenant, with rank from January 11, 1870, vice J. C. Moore, promoted.

TWENTY-FIRST REGIMENT OF INFANTRY.

Chs. M. Davidson, captain, with rank from October 1, 1869, vice H. F. Clark, resigned.
Theodore Griswold, first lieutenant, with rank from September 27, 1869, vice James Barringer, deceased.
Samuel Underhill, captain, with rank from October 26, 1869, vice H. H. Hustiss, resigned.
William U. Anthony, first lieutenant, with rank from October 26, 1869, vice Samuel Underhill, promoted.
Henry H. Harris, second lieutenant, with rank from October 26, 1869, vice Wm. U. Anthony, promoted.
Alfred P. Lindlay, captain, with rank from February 11, 1870, vice R. R. Hayman, promoted.
Samuel K. Darrow, first lieutenant, with rank from February 11, 1870, vice A. F. Lindlay, promoted.
Lewis H. Vail, second lieutenant, with rank from February 11, 1870, vice Samuel K. Darrow, promoted.

TWENTY-SECOND REGIMENT OF INFANTRY.

Morris Duckworth, captain, with rank from December 8, 1869, vice David S. Brown, promoted.
Dunnelle Van Schaick, captain with rank from January 11, 1870, vice R. B. Lockwood, resigned.
J. Lenox Huggins, second lieutenant, with rank from January 11, 1870, vice R. H. Hedden, resigned.
E. A. Cunningham, first lieutenant, with rank from January 13, 1870, vice J. S. Franklin, resigned.
Samuel E. Briggs, second lieutenant, with rank from January 13, 1870, vice E. A. Cunningham, promoted.
Joseph W. Congdon, first lieutenant, with rank from January 14, 1870, vice E. A. Heath, resigned.

TWENTY-THIRD REGIMENT OF INFANTRY.

Charles E. Truslow, captain, with rank from January 12, 1870, vice Henry J. Graff, resigned.

TWENTY-FOURTH REGIMENT OF INFANTRY.

John W. Cole, first lieutenant, with rank from February 3, 1870, vice J. M. Cary, term expired.
Franklin Wright, second lieutenant, with rank from February 3, 1870, vice Albert W. Scribner, resigned.

TWENTY-FIFTH REGIMENT OF INFANTRY.

James J. Pender, first lieutenant, with rank from March 30, 1869, vice Thomas Hogan, resigned.
Patrick Flannigan, second lieutenant, with rank from March 30, 1869, vice James J. Pender, promoted.

TWENTY-SIXTH REGIMENT OF INFANTRY.

John Boehringer, captain, with rank from January 26, 1870, vice Henry Werner, resigned.
Peter Fischer, second lieutenant, with rank from January 26, 1870, vice John Boehringer, promoted.

FORTY-EIGHTH REGIMENT OF INFANTRY.

Benjamin F. Bailey, second lieutenant, with rank from January 5, 1870, vice Sidney A. Hulburt, removed from district.

FIFTY-FOURTH REGIMENT OF INFANTRY.

Samuel B. Campbell, second lieutenant, with rank from January 11, 1870, vice Charles B. Campbell, resigned.

FIFTY-FIFTH REGIMENT OF INFANTRY.

Henry Schroeder, second lieutenant, with rank from January 4, 1870, vice H. F. Rapp, resigned.
Edward B. Neumaster, captain, with rank from January 21, 1870, vice Frederick Zimmer, resigned.

SIXTY-NINTH REGIMENT OF INFANTRY.

Nicholas Collin, first lieutenant, with rank from February 2, 1870, vice John Powers, deceased.

NINETY-SIXTH REGIMENT OF INFANTRY.

William Arfken, captain, with rank from January 28, 1870, vice Charles H. Rahe, resigned.
Claus Finck, first lieutenant, with rank from January 28, 1870, vice William Arfken, promoted.
Henry Hollings, second lieutenant, with rank from January 28, 1870, vice Claus Finck, promoted.
Hermann D. Wage, chaplain, with rank from December 30, 1869, original vacancy.
Frederick Burghard, commissary of subsistence, with rank from December 30, 1869, vice John Koch, resigned.
George Williams, first lieutenant, with rank from June 4, 1869, vice H. Klatthaus, dismissed.

RESIGNATIONS.

The resignations of the following-named officers have been accepted by the Commander-in-Chief during the same period:

FIRST DIVISION.

Alfred Wagstaff, aide-de-camp, February 12, 1870.

SECOND BRIGADE.

H. F. Bauer, quartermaster, February 15, 1870.
Carl Marquardt, commissary of subsistence, February 26, 1870.

FIRST REGIMENT OF CAVALRY.

William H. Middendorf, adjutant, February 15, 1870.

THIRD REGIMENT OF CAVALRY.

John Dilger, captain, February 12, 1870.
Peter Mundorf, second lieutenant, February 12, 1870.

BATTALION OF CAVALRY, TWENTY-FOURTH BRIGADE.

George O. Gannett, second lieutenant, February 15, 1870.

BATTALION OF ARTILLERY, TWENTY-FOURTH BRIGADE.

Xaver Zett, captain, February 15, 1870.

FIFTH REGIMENT OF INFANTRY.

Charles D. Reiss, captain, February 12, 1870.
William Roos, second lieutenant, February 15, 1870.
Adam Keim, captain, February 15, 1870.

SEVENTH REGIMENT OF INFANTRY.

C. H. Meday, major, February 26, 1870.

NINTH REGIMENT OF INFANTRY.

John A. Lennon, first lieutenant, February 5, 1870.

TENTH REGIMENT OF INFANTRY.

William A. Lindsay, captain, February 15, 1870.
George W. Walker, first lieutenant, February 15, 1870.

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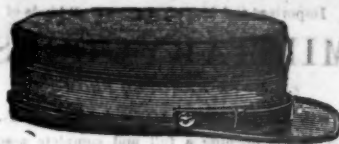
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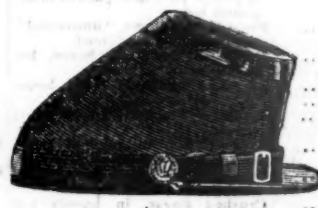
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ARMY REFERENCES.

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 Robert Anderson, Brevet Major-General U. S. A.
 General Frank Wheaton.
 A. S. Webb, Brevet Major-General U. S. A.
 Geo. E. Glenn, Major U. S. A.
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